

**LEGISLATIVE JOURNAL
OF THE
STATE OF NEBRASKA**

**EIGHTY-NINTH LEGISLATURE
FOURTH SPECIAL SESSION**

1986

Convened December 5, 1986

Adjourned December 12, 1986

LINCOLN, NEBRASKA

Compiled

Under the Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

OFFICERS OF THE LEGISLATURE

Donald F. McGinley, (Lt. Governor), President	Lincoln
William E. Nichol, Speaker	Scottsbluff
Patrick J. O'Donnell, Clerk	Lincoln
Richard Brown, Assistant Clerk	Lincoln
Robert E. Palmer, Chaplain Coordinator	Lincoln
Carl E. Kamprath, Sergeant at Arms	Lincoln

EXECUTIVE BOARD

Calvin F. Carsten, Avoca	Chairperson
Shirley Marsh, Lincoln	Vice Chairperson
William E. Nichol, Scottsbluff	Speaker
William Barrett, Lexington	Member-at-large
Ernie Chambers, Omaha	Member-at-large
John W. DeCamp, Neligh	Member-at-large
Patricia S. Morehead, Beatrice	Member-at-large
Carol McBride Pirsch, Omaha	Member-at-large
Loran Schmit, Bellwood	Member-at-large
Jerome Warner, Waverly	Ex officio member

REVISOR OF STATUTES

..... Joanne Pepperl

ENROLLMENT & REVIEW ATTORNEY

..... Mary Sommermeyer

FISCAL ANALYST

..... Michael Calvert

OMBUDSMAN

..... Marshall Lux

RESEARCH

..... Dick Hargesheimer

JOURNAL CLERKS

..... Vicki Buck
 Charlotte Koranda
 Mary Rasmussen
 Leona Shields

LEGISLATURE

MEMBERS

Dist.	Name	Address	Occupation	Counties
1	R. Wiley Remmers.....	Auburn.....	Farmer	Johnson, Nemaha, Otoe*, Pawnee, Richardson
2	Calvin F. Carsten.....	Avoca	Retired Farmer	Cass, Otoe*
3	Emil E. Beyer, Jr.	Gretna.....	Real Estate Development and Investments	Douglas*, Sarpy*
4	Gary E. Hannibal	Omaha.....	Contractor.....	Douglas*
5	Bernice Labedz	Omaha.....	State Senator.....	Douglas*
6	Peter Hoagland	Omaha.....	Attorney.....	Douglas*
7	Timothy J. Hall.....	Omaha.....	Development Director	Douglas*
			U.C.S.S. (United Catholic Social Services)	
8	Vard Johnson.....	Omaha.....	Attorney.....	Douglas*
9	Marge Higgins	Omaha.....	Real Estate/ Investments	Douglas*
10	Carol McBride Pirsch	Omaha.....	Supervisor of.....	Douglas*
			Community Relations	
11	Ernie Chambers	Omaha.....	Barber	Douglas*
12	Chris Abboud.....	Ralston.....	Attorney.....	Douglas*
13	Daniel C. Lynch.....	Omaha.....	Vice President, Consumer Affairs, Blue Cross/ Blue Shield of NE	Douglas*
14	Ron Withem	Papillion.....	Executive Director	Sarpy*
			MCAO	
15	Lowell C. Johnson	North Bend	Retired Engineer/ Farmer/Businessman	Dodge*

Dist.	Name	Address	Occupation	Counties	x
16	James E. Goll.....	Tekamah	President-Tekamah	Burt, Cuming*, Thurston, Washington	
17	Gerald A. Conway	Wayne	Motors, Inc. Professor, Consultant.....	Dakota, Dixon, Wayne*	
18	Harry B. Chronister.....	Schuyler.....	Agri-Business	Colfax, Cuming*, Dodge*, Stanton	
19	Elroy M. Hefner	Coleridge.....	Business Executive	Cedar, Knox, Pierce, Wayne*	
20	Glenn A. Goodrich	Omaha.....	Electrical Contracting	Douglas*	
21	Richard Peterson	Norfolk	Farmer/Beekeeper/ Businessman	Madison	
22	Lee Rupp.....	Monroe	Public Relations/ Ag. Real Estate	Boone*, Nance, Platte*	
23	Loran Schmit	Bellwood	Farmer	Butler, Platte*, Saunders	
24	Harold F. Sieck.....	Pleasant Dale	Farmer	Polk*, Seward, York	
25	Jerome Warner	Waverly	Livestock/Farming	Lancaster*	
26	Donald Wesely.....	Lincoln	Businessman	Lancaster*	
27	Bill Harris	Lincoln	Oil Exploration	Lancaster*	
28	James D. McFarland	Lincoln	Lawyer	Lancaster*	
29	Shirley Marsh	Lincoln	Legislator	Lancaster*	
30	Patricia S. Morehead	Beatrice	State Senator.....	Gage, Jefferson*	
31	Jerry Chizek	Omaha.....	Manager, Public Affairs.....	Douglas*	
32	Donald Eret.....	Dorchester.....	Farmer	Fillmore, Jefferson*, Saline, Thayer	
33	Jacklyn Smith.....	Hastings	Realtor	Adams	
34	Rod Johnson.....	Sutton.....	Farmer	Clay, Hall*, Hamilton, Merrick, Polk*	
35	Arlene Nelson	Grand Island	Agri-Bookkeeper.....	Hall*	
36	Ray E. Lundy	Kearney.....	Retired City Manager.....	Buffalo*, Hall*	
37	Jerry D. Miller.....	Davenport	Farmer/Agri-Business	Buffalo*, Franklin, Kearney, Nuckolls, Webster	

Dist.	Name	Address	Occupation	Counties
38	Tom Vickers.....	Farnam.....	Farmer/Rancher.....	Frontier, Furnas, Gosper, Harlan, Lincoln*, Red Willow
39	William E. Barrett	Lexington	Real Estate/Insurance	Dawson, Phelps
40	John W. DeCamp	Neligh.....	Attorney/Real Estate	Antelope, Boone*,
			Broker & Developer	Boyd, Holt
41	Carson H. Rogers.....	Ord.....	Hog Farmer	Custer*, Garfield, Greeley, Hall*, Howard, Loup, Sherman, Valley, Wheeler
42	James E. Pappas	North Platte	Consultant.....	Lincoln*
43	Howard A. Lamb.....	Anselmo	Rancher.....	Blaine, Brown, Cherry, Custer*, Hooker, Keya Paha, Logan, McPherson, Rock, Thomas
44	Rex Haberman.....	Imperial.....	State Senator/ Farm Management	Arthur, Chase, Deuel, Dundy, Grant, Hayes, Hitchcock, Keith, Lincoln*, Perkins
45	D. Paul Hartnett.....	Bellevue.....	College Professor	Sarpy*
46	David Landis	Lincoln	Teacher/State Senator.....	Lancaster*
47	Dennis Baack	Kimball	Farmer	Banner, Cheyenne, Garden, Kimball, Morrill, Scotts Bluff*
48	William E. Nichol.....	Scottsbluff	Retired	Scotts Bluff*
49	Sandra K. Scofield.....	Chadron	Counselor/Consultant/ Farmer	Box Butte, Dawes, Sheridan, Sioux

Clerk

Patrick J. O'Donnell Lincoln

RULES OF THE LEGISLATURE

Rules in effect at the commencement of the Eighty-Ninth Legislature, Fourth Special Session, 1986, are the same rules in effect at the commencement of the Ninetieth Legislature, First Session, 1987.

FIRST DAY - DECEMBER 5, 1986**LEGISLATIVE JOURNAL****EIGHTY-NINTH LEGISLATURE
FOURTH SPECIAL SESSION****FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, December 5, 1986

Pursuant to a proclamation by His Excellency, Robert Kerrey, Governor of the State of Nebraska, the Eighty-Ninth Legislature, Fourth Special Session assembled in the West Legislative Chamber of the State Capitol, at the hour of 10:01 a.m., Friday, December 5, 1986, and was called to order by Speaker Nichol.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska Air National Guard.

DECLARATION

Pursuant to a proclamation issued by the Honorable Robert Kerrey, Governor of Nebraska, we are here and now assembled in the 89th Legislature, 4th Special Session of the Nebraska Legislature. I, as Speaker, declare that we are now open for the transaction of business.

(Signed) William E. Nichol,
Speaker

ROLL CALL

The roll was called and the following members were present:

Abboud, Chris

Baack, Dennis

Barrett, William E.

Beyer, Emil E.	Hefner, Elroy M.	Nelson, Arlene
Carsten, Calvin F.	Higgins, Marge	Nichol, William E.
Chambers, Ernie	Hoagland, Peter	Pappas, James E.
Chizek, Jerry	Johnson, Lowell C.	Peterson, Richard
Chronister, Harry B.	Johnson, Rod	Remmers, R. Wiley
Conway, Gerald A.	Johnson, Vard R.	Rogers, Carson
DeCamp, John W.	Labeledz, Bernice	Rupp, Lee
Eret, Don	Lamb, Howard A.	Schmit, Loran
Goll, James E.	Landis, David M.	Sieck, Harold F.
Goodrich, Glenn A.	Lundy, Ray E.	Smith, Jacklyn J.
Haberman, Rex	Lynch, Dan	Vickers, Tom
Hall, Timothy J.	McFarland, James	Warner, Jerome
Hannibal, Gary E.	Miller, Jerry D.	Wesely, Don
Harris, Bill	Morehead, Patricia S.	Withem, Ron
Hartnett, D. Paul		

Mesdames Marsh, Pirsch, and Ms. Scofield were excused.

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct machine copy of a proclamation issued by Governor Robert Kerrey on the third day of December, 1986, the subject of which is to convene the Legislature of Nebraska in an extraordinary session on Friday, December 5, 1986. The purpose of the extraordinary session is set forth in the proclamation attached.

Further, I do hereby certify that the original of the proclamation is on file in the office of Secretary of State and is a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this third day of December in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

PROCLAMATION

BY VIRTUE OF THE AUTHORITY VESTED in the Governor by Article IV, Section 8, of the Constitution of the State of Nebraska, I, Robert Kerrey, as Governor of the State of Nebraska, believing that an extraordinary occasion has arisen, DO HEREBY CALL the Legislature of Nebraska to convene in extraordinary session at the State Capitol on Friday, December 5, 1986, at 10:00 a.m., for the purpose of considering the following subjects:

1. To reduce appropriations approved by the 89th Legislature, Second Session.
2. To consider modifications to the special education statutes including, but not limited to, definitions of services and requirements for eligibility and financing.
3. To appropriate funds for the necessary expenses of the extraordinary session herein called.

I direct that members of the Legislature of the State of Nebraska be notified of the convening of this extraordinary session by sending to each of them a copy of this Proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed this 3rd day of December, 1986.

(Signed) ROBERT KERREY
Governor

(SEAL)Attest:

(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached represents a true and correct roster of the members of the Nebraska Unicameral Legislature serving in the Eighty-ninth Legislature, Fourth Extraordinary (Special) Session, called by the Governor to commence on December 5, 1986.

Further, I hereby certify that all members whose names appear on the roster with the district designation have been duly elected or appointed to serve as a member of the Legislature in the Eighty-ninth Legislature, Fourth Extraordinary (Special) Session.

Finally, I hereby certify that all election or appointment records are a matter of public record in the office of Secretary of State.

Further, I saith not.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this third day of December in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

DISTRICT	NAME	ELECTED
1	R. Wiley Remmers	November 6, 1984
2	Calvin F. Carsten	November 2, 1982
3	Emil E. Beyer, Jr.	November 6, 1984
4	Gary E. Hannibal	November 2, 1982
5	Bernice Labedz	November 6, 1984
6	Peter Hoagland	November 2, 1982
7	Tim Hall	November 6, 1984
8	Vard Johnson	November 2, 1982
9	Marge Higgins	November 6, 1984
10	Carol McBride Pirsch	November 2, 1982
11	Ernie Chambers	November 6, 1984
12	Chris Abboud	November 2, 1982
13	Daniel C. Lynch	November 6, 1984
14	Ron Withem	(2 yr. term) November 6, 1984
15	Lowell C. Johnson	November 6, 1984
16	James E. Goll	November 2, 1982
17	Gerald A. Conway	November 6, 1984
18	Harry B. Chronister	November 2, 1982
19	Elroy M. Hefner	November 6, 1984
20	Glenn A. Goodrich	November 2, 1982
21	Richard Peterson	November 6, 1984
22	Lee Rupp	November 2, 1982
23	Loran Schmit	November 6, 1984

24	Harold F. Sieck	November 2, 1982
25	Jerome Warner	November 6, 1984
26	Don Wesely	November 2, 1982
27	Bill Harris	November 6, 1984
28	James McFarland	(Appointed March 5, 1986)
29	Shirley Marsh	November 6, 1984
30	Patricia S. Morehead	November 2, 1982
31	Jerry Chizek	November 6, 1984
32	Donald Eret	November 2, 1982
33	Jacklyn Smith	November 6, 1984
34	Rod Johnson	November 2, 1982
35	Arlene B. Nelson	November 6, 1984
36	Ray Lundy	November 2, 1982
37	Jerry D. Miller	November 6, 1984
38	Tom Vickers	November 2, 1982
39	William E. Barrett	November 6, 1984
40	John W. DeCamp	November 2, 1982
41	Carson Rogers	November 6, 1984
42	James E. Pappas	November 2, 1982
43	Howard Lamb	November 6, 1984
44	Rex Haberman	November 2, 1982
45	D. Paul Hartnett	November 6, 1984
46	David Landis	November 2, 1982
47	Dennis Baack	November 6, 1984
48	William E. Nichol	November 2, 1982
49	Sandra K. Scofield	November 6, 1984

MOTION - Election of Officers

Mr. Carsten moved that the following officers be elected to serve for the Eighty-Ninth Legislature, Fourth Special Session:

Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard Brown
Chaplain Coordinator	Dr. Robert E. Palmer
Sergeant at Arms	Carl Kamprath

The motion prevailed.

MOTION - Notify Governor

Mr. DeCamp moved that the President appoint a committee of five to notify the Governor that the Legislature is now convened, organized, and ready for the transaction of business and to return

with any message the Governor may have for this, the Fourth Special Session of the Eighty-Ninth Legislature.

The motion prevailed.

The Chair appointed Mrs. Labedz, Messrs. Hoagland, DeCamp, Eret, and Sieck to serve on said committee.

The Committee escorted Governor Robert Kerrey to the rostrum where he spoke to the members of the Legislature.

The Committee escorted Governor Kerrey from the Chamber.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to change appropriations for the expenses of Nebraska state government for the fiscal year ending June 30, 1987; to recite limitations on expenditures; to repeal Laws 1986, LB 1251, sections 9, 10, 15, 17, 20, 22, 23, 31, 35, 45, 46, 47, 61, 62, 63, 65, 73, 74, and 75, and Laws 1986, LB 1252, section 24; and to declare an emergency.

LEGISLATIVE BILL 2. By Vickers, 38th District, at the request of the Governor.

A BILL FOR AN ACT relating to special education; to amend sections 43-611, 43-626, and 43-648, Revised Statutes Supplement, 1986; to change provisions relating to reimbursement for transportation expenses and special education program costs; to change payment provisions for residential care; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 3. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the expenses incurred during the Eighty-ninth Legislature, Fourth Special Session; and to declare an emergency.

EASE

FIRST DAY - DECEMBER 5, 1986

7

The Legislature was at ease from 10:41 a.m. until 10:46 a.m.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 4. By DeCamp, 40th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Revised Statutes Supplement, 1984, as amended by section 2, Legislative Bill 539, Eighty-ninth Legislature, Second Session, 1986; to change the sales tax rate; to provide an operative date; to repeal the original section; and to declare an emergency.

MESSAGE FROM THE GOVERNOR

December 4, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Foster Care Review Board requiring legislative confirmation.

Appointees:

Betty Matz, P.O. Box 307, Cozad, NE 69130, (308) 784-3335,
Term: 12/4/86 to 12/4/89, Succeeds: Janet Spaulding, resigned.
Dennis G. Carlson, 635 S. 14th Street, P.O. 81809, Lincoln, NE
68501, 475-7091, Term: 12/4/86 to 12/4/89, Succeeds: Christine
M. Hanus, resigned.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) **ROBERT KERREY**
Governor

cc: Staff Assistant to the Governor

Accountability and Disclosure Commission
Department of Administrative Services
Foster Care Review Board

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1, 2, 3, and 4 and the following Governor appointments.

LB	Committee
1	Appropriations
2	Education
3	General File
4	Revenue

Health and Human Services

Betty Matz - Foster Care Review Board
Dennis G. Carlson - Foster Care Review Board

(Signed) Calvin F. Carsten, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS Appropriations

Friday, December 5 (1:00 p.m., Room 1520)

309 Task Force

#82 - Commission on Hearing Impaired

#69 - Nebraska Arts Council

#23 - Department of Labor

#34 - Nebraska Library Commission

#84 - Department of Environmental Control

#18 - Department of Agriculture

#20 - Department of Health

#13 - Department of Education

#26 - Department of Social Services

#25 - Department of Public Institutions

#49 - Board of Trustees of the Nebraska State Colleges

#50 - State Colleges

#51 - University of Nebraska

Aid to Technical Community Colleges

Saturday, December 6 (10:00 a.m., Room 1520)

#72 - Nebraska Indian Commission

#68 - Mexican-American Commission

#38 - Commission on the Status of Women

#70 - Foster Care Review Board

Aid to Mental Health Regions

Aid for Alcohol/Drug Programs

Aid to Mental Retardation Regions

Aid to Counties

Aid to Schools

Other items as may be identified

(Signed) Jerome Warner, Chairperson

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet in Executive Session at 6:00 p.m., Sunday, December 7, 1986 and at 8:30 a.m., Monday, December 8, 1986.

NOTICE OF COMMITTEE HEARING

Education

LB 2 Saturday, December 6, 1986

10:00 a.m.

(Signed) Tom Vickers, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendments to LB 1 in the Journal. No objections. So ordered.

(1)

AM003S

- 1 1. Strike original section 14.
- 2 2. On page 58, line 5, strike "63,".
- 3 3. Renumber remaining sections accordingly.

(2)

AM004S

- 1 1. On page 18, line 14, strike "2,961,673"
- 2 2. and insert "2,919,015"; and in line 17 strike
- 3 3. "9,504,780" and insert "9,462,122".

(3)

AM002S

1 1. On page 43, line 2, strike "160,629,075"
 2 and insert "160,729,075"; in line 6 strike "461,305,175"
 3 and insert "461,405,175"; and after line 17 insert:
 4 "There is included in the appropriation to
 5 this program \$100,000 General Funds to begin phasing in
 6 a baccalaureate degree nursing program at West Nebraska
 7 General Hospital in Scottsbluff in cooperation with
 8 regional institutions."

(4)

AM001S

1 1. Insert the following new section:
 2 "Sec. 8. Agency No. 27 -- Department of
 3 Roads
 4 Total expenditures by the Department of Roads
 5 for permanent and temporary salaries and per diems shall
 6 not exceed \$44,455,500.
 7 (1) Program No. 305 - Assistance to Local
 8 Transit Authorities
 9 GENERAL FUND 17,677
 10 CASH FUND 1,003,841
 11 FEDERAL FUND est. 61,462
 12 PROGRAM TOTAL 1,082,980
 13 There is included in the appropriation to this
 14 program \$ 0 General Funds, and \$1,000,000 Cash Funds,
 15 for state aid, which shall only be used for such
 16 purpose.
 17 (2) Program No. 568 - Highway Administration
 18 CASH FUND est. 9,605,624
 19 PROGRAM TOTAL 9,605,624
 20 Cash Fund expenditures shall not be limited to
 21 the amount shown.
 1 (3) Program No. 569 - Construction
 2 GENERAL FUND 800,000
 3 CASH FUND est. 217,825,981
 4 PROGRAM TOTAL 218,625,981
 5 Cash Fund expenditures shall not be limited to
 6 the amount shown.
 7 There is included in the appropriation to this
 8 program \$700,000 General Funds to be used to match
 9 federal funds available to the Metropolitan Area Transit
 10 Authority for the purchase of buses.

- 11 (4) Program No. 571 - Maintenance
 12 CASH FUND est. 51,567,040
 13 PROGRAM TOTAL 51,567,040
 14 Cash Fund expenditures shall not be limited to
 15 the amount shown.
- 16 (5) Program No. 572 - Services and Supports
 17 CASH FUND est. 6,620,220
 18 PROGRAM TOTAL 6,620,220
 19 Cash Fund expenditures shall not be limited to
 20 the amount shown.
- 21 The Department of Roads is authorized to
 22 review the appropriateness of closing rest areas located
 23 near Princeton, Pilger, and McCook as outlined in
 24 Legislative Bill 1, Eighty-ninth Legislature, Second
 1 Special Session, 1985, and may, if it is determined
 2 necessary by the department, reopen and operate any such
 3 rest areas.
- 4 There is hereby appropriated \$133,915,293 from
 5 the Highway Cash Fund to the Department of Roads
 6 Operation Cash Fund, which fund is hereby appropriated.
 7 There is included in the amount appropriated from the
 8 Highway Cash Fund to the Department of Roads Operation
 9 Cash Fund \$1,000,000 for assistance to the local transit
 10 authorities program.
- 11 For Informational Purposes Only: Total Appropriations
 12 to Agency No. 27 and Fund Source
 13 GENERAL FUND 817,677
 14 CASH FUND est. 286,622,706
 15 FEDERAL FUND est. 61,462
 16 AGENCY TOTAL 287,501,845".
- 17 2. On page 58, line 5, after "23," insert
 18 "24,".
- 19 3. Renumber remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 1.

Introduced by Smith, 33rd District; Abboud, 12th District; Baack, 47th District; Barrett, 39th District; Beyer, 3rd District; Carsten, 2nd District; Chambers, 11th District; Chizek, 31st District; Chronister, 18th District; Conway, 17th District; DeCamp, 40th District; Eret, 32nd District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hall, 7th District; Hannibal, 4th District; Harris, 27th District; Hartnett, 45th District; Hefner, 19th District;

Higgins, 9th District; Hoagland, 6th District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Labeledz, 5th District; Lamb, 43rd District; Landis, 46th District; Lundy, 36th District; Lynch, 13th District; Marsh, 29th District; McFarland, 28th District; Miller, 37th District; Morehead, 30th District; Nelson, 35th District; Nichol, 48th District; Pappas, 42nd District; Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rogers, 41st District; Rupp, 22nd District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th District; Vickers, 38th District; Warner, 25th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, Richard D. Marvel served the State of Nebraska as a member of the Legislature in an exemplary way for twenty-eight years; and

WHEREAS, the length of his distinguished term of service was exceeded by only one other Senator; and

WHEREAS, his service included chairmanships of the Education Committee, Appropriations Committee, and Executive Board of the Legislative Council; and

WHEREAS, Senator Marvel was highly respected by all who knew him and he was honored by his colleagues by being the first Senator chosen to serve four years as Speaker of the Legislature; and

WHEREAS, Senator Marvel was a professor of Political Science at Nebraska Wesleyan University and served as Chairman of the Political Science Department; and

WHEREAS, Senator Marvel died Tuesday, December 2, 1986; and

WHEREAS, Senator Marvel's record of integrity, leadership, and contributions to perfecting state government lives on; and

WHEREAS, Senator Marvel is survived by his wife, Oline, son, Douglas, and daughter, Anne.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FOURTH SPECIAL SESSION:

1. That the members of the Legislature express their deepest sympathy to the family of Senator Richard Marvel.

2. That the passing of this great statesman and educator and resulting sorrow be shared and borne by all legislative members and staff who knew and worked with him during his distinguished career as well as by all Nebraskans.

3. That a copy of this resolution be presented to Senator Marvel's family.

MOTION - Suspend Rules

Mrs. Smith moved to suspend the rules, Rule 4, Section 6 to permit consideration of LR 1 today.

The motion to suspend the rules prevailed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 1. Considered.

MR. CARSTEN PRESIDING

Mr. Conway asked unanimous consent to be excused. No objections. So ordered.

SPEAKER NICHOL PRESIDING

LR 1 was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 1.

MOTION - Adjourn Sine Die

Mr. Lynch moved that this special session of the Nebraska Legislature adjourn Sine Die.

The motion lost with 4 ayes, 20 nays, 21 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARING **Appropriations**

Add to Saturday Hearing Schedule - Room 1520.

07 Governor
33 Game and Parks
12 Treasurer
14 Public Service Commission
65 Department of Administrative Services
54 Historical Society

67 Equal Opportunity Commission
16 Department of Revenue

These agencies are to be scheduled following the listed *Aid programs, under "other items as may be identified."

*previous notice

(Signed) Jerome Warner, Chairperson

ADJOURNMENT

At 11:04 a.m., on a motion by Mr. Eret, the Legislature adjourned until 9:30 a.m., Saturday, December 6, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - DECEMBER 6, 1986**LEGISLATIVE JOURNAL****EIGHTY-NINTH LEGISLATURE
FOURTH SPECIAL SESSION****SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Saturday, December 6, 1986

Pursuant to adjournment, the Legislature met at 9:35 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mesdames Marsh, Pirsch, Ms. Scofield, Messrs. Beyer, Chambers, Hartnett, R. Johnson, V. Johnson, Miller, Rupp, and Withem who were excused; and Mr. Conway who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the First Day was approved.

**NOTICE OF COMMITTEE HEARING
Health and Human Services**

Governor Appointments Wednesday, December 10, 1986 1:00 p.m.
Betty Matz - Foster Care Review Board
Dennis G. Carlson - Foster Care Review Board

(Signed) Don Wesely, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 5. By Schmit, 23rd District.

A BILL FOR AN ACT relating to telecommunications; to amend section 75-109, Reissue Revised Statutes of Nebraska, 1943, as amended by section 12, Legislative Bill 835, Eighty-ninth Legislature, Second Session, 1986, section 75-604, Reissue Revised Statutes of Nebraska, 1943, as amended by section 13, Legislative Bill 835, Eighty-ninth Legislature, Second Session, 1986, and section 75-609, Revised Statutes Supplement, 1984, as amended by section 14, Legislative Bill 835, Eighty-ninth Legislature, Second Session, 1986; to eliminate certain provisions relating to the deregulation of telecommunications as prescribed; to change provisions relating to rates; to harmonize provisions; to eliminate an appropriation; and to repeal the original sections, and also sections 86-801 to 86-811, Revised Statutes Supplement, 1986, and Laws 1986, LB 835A; and to declare an emergency.

EASE

The Legislature was at ease from 9:51 a.m. until 10:25 a.m.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 5.

LB **Committee**
5 **Public Works**

(Signed) Calvin F. Carsten, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING
Public Works

LB 5 **Monday, December 8, 1986** **9:30 a.m.**

(Signed) Loran Schmit, Chairperson

ADJOURNMENT

At 10:26 a.m., on a motion by Mr. Chronister, the Legislature adjourned until 1:30 p.m., Monday, December 8, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - DECEMBER 8, 1986

LEGISLATIVE JOURNAL

THIRD DAY - DECEMBER 8, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
FOURTH SPECIAL SESSION**

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, December 8, 1986

Pursuant to adjournment, the Legislature met at 1:31 p.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chronister, R. Johnson, Mesdames Marsh, and Pirsch who were excused; and Messrs. Abboud, Baack, Conway, V. Johnson, McFarland, Rogers, Rupp, Schmit, Mesdames Higgins, and Morehead who were excused until they arrived.

CORRECTIONS FOR THE JOURNAL

The Journal for the Second Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 86080

DATE: December 8, 1986

REQUESTED BY: Senator John W. DeCamp

WRITTEN BY: Robert M. Spire, Attorney General

L. Jay Bartel, Assistant Attorney General

This is in response to your letter of December 5, 1986, in which you asked whether, under the terms of the call of the Governor for the recent special session, the Legislature has the authority to consider an increase in the sales and income tax as one of the methods to address the budgetary cuts proposed, in light of the entire picture of legislative authority in setting tax rates.

A similar question was presented by Senator Jerome Warner in his letter of October 17, 1985, to the Attorney General for his opinion. That question was prompted by the Governor's call which included some revenue enhancers, but had restricted the Legislature from considering the sales and income tax method of revenue raising. Attorney General Opinion No. 135, October 24, 1985 (a copy of which is attached).

When presented with that question, we stated an argument could be advanced to allow the Legislature to examine the sales and income tax rates after it had acted on the various revenue and appropriation measures contained in that call. (Emphasis added). Even under that argument, we stated that, consistent with our previous comments, we did not believe that the scope of the call was broad enough for the Legislature to consider any bills standing alone which would raise the sales and income tax rates. That subject by itself was simply not within the scope of the call. However, we noted that one could argue that, after examining the proposed reductions in appropriations and the proposed increase in revenues contain in the call, and acting upon them, the Legislature would at that point in time be required to exercise its responsibilities under §77-2715.01(b) by examining the new levels of appropriations and estimated receipts, and setting the sales and income tax rates accordingly. Should the Legislature then determine an adjustment to the sales and income tax rate is necessary, it could arguably so act prior to the close of the special session.

As you are aware, the Governor did amend the call of the special session last year by including for consideration by the Legislature an increase in the income tax rate for the 1985 tax year. The action of the Governor to amend the call was challenged by an original action in our Supreme Court which this office defended successfully. A question still remains whether, and at what point in time, the Legislature may act under Neb.Rev.Stat. §77-2715.01(b) (Supp. 1985) under the circumstances previously outlined.

Under the current call of this special session, the call, among other things, limits the Legislature to reducing appropriations approved by the Eighty-Ninth Legislature, Second Session. Under the current call, which is more restrictive than the previous special session call in that it makes no provision for consideration of revenue enhancers, we

have found no reason to change the conclusion reached in our opinion of October 23, 1985, No. 135.

In that opinion we concluded then as we do now that, given the restrictive view which our Supreme Court has taken in interpreting the scope of the Governor's call during special sessions, we cannot conclude that an increase in the sales tax rate would be upheld if challenged in a lawsuit as beyond the scope of a call. Thus, the more prudent course of action, should the Legislature subsequently determine after exhausting the items on the call that a sales or income tax increase is warranted, would be for the Legislature to petition the Governor under §58-125 for a special session for that purpose. This would be the preferred method of bringing within the call the issue of sales and income tax increases should the Governor decide not to amend the call to include them for consideration in this session.

This would clearly avoid any court challenges that could leave the matter in a state of uncertainty for a matter of months if not years. It is our conclusion that LB 4 would, in all likelihood, be held outside the scope of the Governor's call.

Very truly yours,
ROBERT M. SPIRE
Attorney General

(Signed) L. Jay Bartel
Assistant Attorney General

LJB:jem

cc: Patrick J. O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORT

Appropriations

LEGISLATIVE BILL 1. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Bill Room - Room 1102 - AM008S.)

(Signed) Jerome Warner, Chairperson

GENERAL FILE

LEGISLATIVE BILL 3. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 1 nay, 6 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 1. Title read. Considered.

Standing Committee amendments, AM008S, printed separate from the Journal and referred to in this day's Journal were considered.

Messrs. Hall and Chambers requested a division of the question on the Standing Committee amendments.

The Chair sustained the division of the question.

The first Standing Committee amendments are all the amendments except Number 8, commencing on page 8, line 17; and number 10, commencing on page 11, line 19.

The first Standing Committee amendments were adopted with 27 ayes, 6 nays, 11 present and not voting, and 5 excused and not voting.

The second Standing Committee amendment is Number 8, commencing on page 8, line 17.

The second Standing Committee amendment was adopted with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

The third Standing Committee amendment is Number 10, commencing on page 11, line 19.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?"

Mr. Abboud moved for a call of the house. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

The motion to cease debate prevailed with 26 ayes, 10 nays, 9 present and not voting, and 4 excused and not voting.

Mr. Warner requested a roll call vote on the third Standing Committee amendment.

Voting in the affirmative, 20:

Baack	Conway	Harris	Lundy	Rogers
Barrett	Goodrich	Hefner	Nichol	Rupp
Beyer	Haberman	Johnson, L.	Peterson	Scotfield
Carsten	Hannibal	Lamb	Remmers	Warner

Voting in the negative, 24:

Abboud	Hall	Labeledz	Morehead	Smith
Chambers	Hartnett	Landis	Nelson	Vickers
Chizek	Higgins	Lynch	Pappas	Wesely
DeCamp	Hoagland	McFarland	Schmit	Withem
Goll	Johnson, V.	Miller	Sieck	

Present and not voting, 1:

Eret

Excused and not voting, 4:

Chronister Johnson, R. Marsh Pirsch

The third Standing Committee amendment lost with 20 ayes, 24 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 3. Placed on Select File.

(Signed) Timothy Hall, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1. Mr. Haberman withdrew his pending amendments, (1) AM003S, (2) AM004S, found in the Journal on page 9 and (3) AM002S, and (4) AM001S, found in the Journal on page 10.

Messrs. Landis, Chambers, and Schmit offered the following amendment:

AM009S

- 1 1. Strike original sections 9, 12, and 15.
- 2 2. On page 58, line 5, strike "35," and
- 3 3. "61,,"; and in line 6 strike "65,,".
- 4 3. Renumber remaining sections accordingly.

Mr. DeCamp offered the following amendment to the pending Landis-Chambers-Schmit amendment:

Strike lines 1 through 4 and insert the following:

On page 39, in line 7, strike "73,886" and insert "58,124"; in line 9, strike "103,886" and insert "88,124"

On page 47, in lines 19 and 20, strike "72,502" and insert "57,035"

On page 51, in lines 1 and 2 strike "52,984" and insert "41,682"

(Assumes February 1, 1987, closure of agencies: total reduction 108,988)

Pending.

MOTION - Adjourn Sine Die

Mr. Lynch moved to adjourn sine die.

Mr. Landis moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mr. Landis requested a roll call vote on the Lynch motion.

Voting in the affirmative, 19:

Baack	Haberman	Labeledz	Nichol	Sieck
Chambers	Harris	Lynch	Pappas	Wesely
Chizek	Hartnett	McFarland	Remmers	Withem
Eret	Higgins	Miller	Rupp	

Voting in the negative, 26:

Abboud	Goll	Hoagland	Lundy	Schmit
Barrett	Goodrich	Johnson, L.	Morehead	Scofield
Beyer	Hall	Johnson, V.	Nelson	Smith
Carsten	Hannibal	Lamb	Peterson	Vickers
Conway	Hefner	Landis	Rogers	Warner
DeCamp				

Excused and not voting, 4:

Chronister	Johnson, R.	Marsh	Pirsch
------------	-------------	-------	--------

The Lynch motion to adjourn sine die lost with 19 ayes, 26 nays, and 4 excused and not voting.

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 1. Mr. DeCamp renewed his pending amendment to the pending Landis-Chambers-Schmit amendment found in this day's Journal.

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. DeCamp requested a record vote on his amendment.

Voting in the affirmative, 7:

Beyer	Goll	Peterson	Rupp	Withem
DeCamp	Lundy			

Voting in the negative, 25:

Carsten	Hall	Hoagland	McFarland	Schmit
Chambers	Hannibal	Johnson, V.	Morehead	Scofield
Chizek	Harris	Labeledz	Nelson	Smith
Eret	Hartnett	Lamb	Pappas	Vickers
Goodrich	Higgins	Landis	Remmers	Wesely

Present and not voting, 13:

Abboud	Conway	Johnson, L.	Nichol	Sieck
Baack	Haberman	Lynch	Rogers	Warner
Barrett	Hefner	Miller		

Excused and not voting, 4:

Chronister	Johnson, R.	Marsh	Pirsch
------------	-------------	-------	--------

The DeCamp amendment lost with 7 ayes, 25 nays, 13 present and not voting, and 4 excused and not voting.

Mr. McFarland moved to adjourn. The motion lost with 17 ayes, 23 nays, 5 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARING
Revenue

LB 4 Tuesday, December 9, 1986

9:00 a.m.

(Signed) Vard R. Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1. The pending Landis-Chambers-Schmit amendment was adopted with 25 ayes, 15 nays, 5 present and not voting, and 4 excused and not voting.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman offered the following amendment:

AM010S

- 1 1. Insert the following new section:
- 2 "Sec. 20. There is hereby appropriated (1)
- 3 \$1,000,000 from the General Fund for the period July 1,
- 4 1986, to June 30, 1987, and (2) \$2,000,000 from the
- 5 General Fund for the period July 1, 1987, to June 30,
- 6 1988, to the Department of Economic Development, for
- 7 Program 604, to aid in carrying out the provisions of
- 8 Legislative Bill 850, Eighty-ninth Legislature, Second
- 9 Session, 1986.
- 10 No expenditures for permanent and temporary
- 11 salaries and per diems for state employees shall be made
- 12 from funds appropriated in this section."
- 13 2. On page 58, line 6, strike the second
- 14 "and"; and in line 7 before "are" insert "and Laws 1986,
- 15 LB 850A."
- 16 3. Renumber remaining sections accordingly.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 1 in the Journal. No objections. So ordered.

AM017S

- 1 1. Insert the following new section:
- 2 "Sec. 8. Agency No. 27 -- Department of
- 3 Roads
- 4 Total expenditures by the Department of Roads
- 5 for permanent and temporary salaries and per diems shall

6 not exceed \$44,455,500.

7 (1) Program No. 305 - Assistance to Local

8 Transit Authorities

9 GENERAL FUND 17,677

10 CASH FUND 1,003,841

11 FEDERAL FUND est. 61,462

12 PROGRAM TOTAL 1,082,980

13 There is included in the appropriation to this
14 program \$ 0 General Funds, and \$1,000,000 Cash Funds,
15 for state aid, which shall only be used for such
16 purpose.

17 (2) Program No. 568 - Highway Administration

18 CASH FUND 9,605,624

19 PROGRAM TOTAL 9,605,624

20 Cash Fund expenditures shall be limited to the
21 amount shown.

1 (3) Program No. 569 - Construction

2 GENERAL FUND 800,000

3 CASH FUND 217,825,981

4 PROGRAM TOTAL 218,625,981

5 Cash Fund expenditures shall be limited to the
6 amount shown.

7 There is included in the appropriation to this
8 program \$800,000 General Funds to be used to match
9 federal funds available to the Metropolitan Area Transit
10 Authority for the purchase of buses.

11 (4) Program No. 571 - Maintenance

12 CASH FUND 51,567,040

13 PROGRAM TOTAL 51,567,040

14 Cash Fund expenditures shall be limited to the
15 amount shown.

16 (5) Program No. 572 - Services and Supports

17 CASH FUND 6,620,220

18 PROGRAM TOTAL 6,620,220

19 Cash Fund expenditures shall be limited to the
20 amount shown.

21 The Department of Roads is authorized to
22 review the appropriateness of closing rest areas located
23 near Princeton, Pilger, and McCook as outlined in
24 Legislative Bill 1, Eighty-ninth Legislature, Second
1 Special Session, 1985, and may, if it is determined
2 necessary by the department, reopen and operate any such
3 rest areas.

4 There is hereby appropriated \$133,915,293 from
5 the Highway Cash Fund to the Department of Roads

- 6 Operation Cash Fund, which fund is hereby appropriated.
 7 There is included in the amount appropriated from the
 8 Highway Cash Fund to the Department of Roads Operation
 9 Cash Fund \$1,000,000 for assistance to the local transit
 10 authorities program.
 11 For Informational Purposes Only: Total Appropriations
 12 to Agency No. 27 and Fund Source
- | | |
|----------------------|---------------|
| 13 GENERAL FUND | 817,677 |
| 14 CASH FUND | 286,622,706 |
| 15 FEDERAL FUND est. | 61,462 |
| 16 AGENCY TOTAL | 287,501,845". |
- 17 2. On page 58, line 5, after "23," insert
 18 "24,".
 19 3. Renumber remaining sections accordingly.

STANDING COMMITTEE REPORT

Education

LEGISLATIVE BILL 2. Placed on General File as amended.
 Standing Committee amendment to LB 2:
 AM0155

- 1 1. Strike original sections 1 and 2 and
 2 insert the following new section:
 3 "Section 1. That section 43-604, Revised
 4 Statutes Supplement, 1986, be amended to read as
 5 follows:
 6 43-604. (1) Special education shall mean the
 7 provision of educational experiences and services
 8 through the use of special facilities and special
 9 adaptive classrooms, or either of the same, to provide
 10 special instruction to handicapped children or the
 11 supportive services necessary to diagnose, place, and
 12 maintain children in special education.
 13 (2) Handicapped children shall mean either
 14 physically handicapped children, behaviorally impaired
 15 children, children with specific learning disabilities,
 16 children with mental retardation, or such other children
 17 as shall be defined by the State Department of
 18 Education.
 19 (3) Physically handicapped children shall mean
 20 children (a) who are residents of Nebraska, (b) who are
 21 visually handicapped, acoustically handicapped,
 1 defective in speech, cardiopathic, tubercular, cerebral
 2 palsied, orthopedically handicapped, or otherwise
 3 physically handicapped, and (c) who, by reason of their

4 physical defects, are unable to attend regular public
5 school classes, are not physically adapted to hold
6 full-time membership in regular school facilities, or
7 who, in order to profit from regular school instruction,
8 need facilities and procedure not available in the
9 regular public school classes attended by physically
10 normal children. Such definition shall include the
11 physically handicapped with mental retardation if, in
12 the opinion of the examining physician, educational
13 psychologist, psychologist, or psychiatrist, the
14 condition can be improved materially by education and
15 treatment.

16 (4) Seriously emotionally disturbed
17 ~~Behaviorally impaired~~ children shall mean children with
18 a ~~serious~~ condition exhibiting one or more of the
19 following characteristics over a long period of time and
20 to a marked degree, which adversely affects educational
21 performance:

22 (a) An inability to learn which cannot be
23 explained by intellectual, sensory, or health factors;
24 ~~characteristics specified in this subsection in~~
1 ~~sufficient frequency, duration, or intensity to require~~
2 ~~intervention for educational, social, or emotional~~
3 ~~growth and development. The term shall include children~~
4 ~~who are autistic. The behavioral impairment cannot be~~
5 ~~explained by intellectual, sensory, or health factors.~~
6 ~~The characteristics of behaviorally impaired children~~
7 ~~include:~~

8 (b) ~~(a)~~ An inability to build or maintain
9 satisfactory interpersonal relationships with peers and
10 teachers;

11 (c) ~~(b)~~ Inappropriate types of behavior or
12 feelings under normal circumstances;

13 (d) ~~(c)~~ A general pervasive mood of
14 unhappiness or depression; or

15 (e) ~~(d)~~ A tendency to develop physical
16 symptoms or fears associated with personal or school
17 problems.

18 The term shall include children who are
19 schizophrenic but does not include children who are
20 socially maladjusted, unless it is determined that such
21 children are seriously emotionally disturbed.

22 (5) Orthopedically handicapped children shall
23 mean those whose locomotion, mobility, or use of limbs
24 are impaired by crippling because of (a) congenital

1 anomaly, (b) birth injury, (c) trauma, (d) tumor, (e)
2 infection, (f) disease, or (g) other conditions such as
3 fragile bones or cardiac impairment.

4 (6) Specific learning disability children
5 shall mean those children of school age who have a
6 verified disorder in one or more of the basic
7 psychological processes involved in understanding or in
8 using language, spoken or written, which disorder may
9 manifest itself in an inability to listen, think, speak,
10 write, spell, or do mathematical calculations. The term
11 shall include such conditions as perceptual handicaps,
12 brain injury, minimal brain disfunction, deplexia, and
13 developmental aphasia. Such term shall not include
14 children who have learning problems which are primarily
15 the result of visual, hearing, or motor handicaps,
16 mental retardation, emotional disturbance, or
17 educational disadvantage of environmental, cultural, or
18 economic disadvantage.

19 (7) A child with mental retardation shall mean
20 a child who would benefit from training or education in
21 the areas of self-care, social adjustment to his or her
22 immediate surroundings, and vocationally related
23 activities which will contribute to his or her economic
24 usefulness in the home or in a specialized situation
1 providing for activities such as sheltered work
2 experience and a supervised living environment.

3 (8) Multihandicapped children shall mean
4 children who have two or more coincidental and
5 educationally significant physical or psychological
6 handicaps or both physical and psychological handicaps.
7 This includes physically handicapped children with
8 mental retardation if, in the opinion of the examining
9 physician and psychologist, the child's condition can be
10 improved materially by education and treatment.

11 (9) Speech impaired children shall mean
12 children with a communication disorder such as
13 stuttering, impaired articulation, a language
14 impairment, or a voice impairment, which adversely
15 affects a child's educational performance."

16 2. On page 4, line 24, before "The" insert
17 "(1)"; and in line 25 strike the new matter.

18 3. On page 5, after line 20, insert the
19 following new matter:

20 "(2) Beginning with fiscal year 1987-88, the
21 reimbursement for (a) handicapped children who require

22 special education programs outside the regular classroom
 23 for a period of time less than six hours per week and
 24 (b) handicapped children who have either a specific
 1 learning disability or who are speech impaired shall be
 2 ninety per cent of the allowable excess costs of the
 3 preceding year's special education programs.

4 It is the intent of the Legislature that
 5 programs for children with (less severely handicapping
 6 conditions) shall be reimbursed pursuant to this
 7 subsection. The State Department of Education shall
 8 establish procedures and standards to enforce this
 9 subsection. Such procedures and standards shall
 10 include, but not be limited to, provisions for
 11 monitoring assignment of staff by type and extent of
 12 service provided and provisions for conducting random on
 13 site audits and examinations of special education
 14 programs.

15 In each fiscal year subsequent to fiscal year
 16 1987-88, the Legislature shall appropriate an amount
 17 which is the lesser of (i) ninety per cent of the
 18 allowable excess costs of the special education programs
 19 for the preceding year or (ii) an amount equal to the
 20 amount appropriated for the preceding fiscal year
 21 multiplied by the per cent of the increase or decrease
 22 appropriated for general state aid pursuant to sections
 23 79-1331 to 79-1344.01 for the same such fiscal year.”;
 24 and in lines 21 and 22 strike “43-611, 43-626,”.

1 4. Renumber the remaining sections
 2 accordingly.

(Signed) Tom Vickers, Chairperson

MOTION - Adjournment

Mr. Chizek moved to adjourn.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

Mr. V. Johnson requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 21:

Abboud	Beyer	DeCamp	Hall	Higgins
Barrett	Chizek	Goll	Hartnett	Labeledz

Lynch	Pappas	Remmers	Rupp	Vickers
McFarland	Peterson	Rogers	Sieck	Withem
Miller				

Voting in the negative, 22:

Baack	Haberman	Johnson, L.	Morehead	Scofield
Carsten	Hannibal	Johnson, V.	Nelson	Smith
Conway	Harris	Lamb	Nichol	Warner
Eret	Hefner	Lundy	Schmit	Wesely
Goodrich	Hoagland			

Absent and not voting, 1:

Landis

Excused and not voting, 5:

Chambers	Chronister	Johnson, R.	Marsh	Pirsch
----------	------------	-------------	-------	--------

The Chizek motion to adjourn lost with 21 ayes, 22 nays, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 1. The Haberman pending amendment was renewed.

Mrs. Morehead moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

The Haberman amendment lost with 15 ayes, 20 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Schmit offered the following amendment:

AM013S

- 1 1. Purpose: To repeal Laws 1986, LB 835A.
- 2 This reduces the Public Service Commission General Fund
- 3 appropriation by \$158,500 in FY 86-87 and by \$308,000 in
- 4 FY 87-88.
- 5 Amendment: On page 58, line 6, strike the second "and";

6 and in line 7 before "are" insert "and Laws 1986, LB
7 835A,".

Pending.

Mr. Haberman moved to adjourn. The motion lost with 16 ayes, 16 nays, 12 present and not voting, and 5 excused and not voting.

MR. CARSTEN PRESIDING

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Schmit moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Abboud	Eret	Labeledz	Morehead	Rupp
Baack	Goodrich	Lynch	Peterson	Schmit
Barrett	Haberman	McFarland	Remmers	Sieck
Beyer	Hefner	Miller	Rogers	Vickers
DeCamp	Higgins			

Voting in the negative, 20:

Carsten	Hall	Hoagland	Lundy	Smith
Chizek	Hannibal	Johnson, L.	Nelson	Warner
Conway	Harris	Johnson, V.	Pappas	Wesely
Goll	Hartnett	Lamb	Scofield	Withem

Absent and not voting, 2:

Landis Nichol

Excused and not voting, 5:

Chambers Chronister Johnson, R. Marsh Pirsch

The Schmit amendment lost with 22 ayes, 20 nays, 2 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Nichol asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 1 in the Journal. No objections. So ordered.

AM019S

- 1 1. On page 30, line 18, after the period
- 2 insert "By January 23, 1987, the Department of Public
- 3 Institutions and the Department of Social Services shall
- 4 prepare and submit to the Legislature's Appropriations
- 5 Committee "Total Model Budgets" for each of the
- 6 intermediate care facilities for the mentally retarded
- 7 based upon the previously described cost model with the
- 8 adaptations listed."

ADJOURNMENT

At 5:31 p.m., on a motion by Mr. Warner, the Legislature adjourned until 9:00 a.m., Tuesday, December 9, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - DECEMBER 9, 1986

LEGISLATIVE JOURNAL

FOURTH DAY - DECEMBER 9, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
FOURTH SPECIAL SESSION**

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, December 9, 1986

Pursuant to adjournment, the Legislature met at 9:07 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Chronister, Mesdames Marsh, and Morehead who were excused; and Messrs. Hall, Hartnett, R. Johnson, Rogers, Vickers, Withem, and Mrs. Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fourth Day was approved.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of December 8, 1986. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Binning, John H. - South Sioux City (Withdrawn 86/11/21), Great West Casualty Company (Withdrawn 86/11/21)
Evans, Nancy - Lincoln (Withdrawn 86/12/02), Minnegasco, Inc. (Withdrawn 86/12/02)
Hanway, Donald G. - Lincoln (Withdrawn 86/11/19), Nebraska State Grange (Withdrawn 86/11/19)
Langland, Karen E. - St. Paul, MN (Withdrawn 86/12/31), The St. Paul Companies (Withdrawn 86/12/31)
Miesbach, Neal L. - Omaha, Omahawks Radio Control, Inc. (Withdrawn 86/11/21)
Monoco, Steve - Omaha (Withdrawn 86/11/25), Nebraska State Athletic Trainers Association (Withdrawn 86/11/25)
Ryan, James E. - Lincoln, Nebraska Judicial Council (Withdrawn 86/10/31)

ANNOUNCEMENT

Messrs. Warner and Barrett announced the Appropriations/Business and Labor Committee gives notice of the following Interim Hearings for placement on the weekly hearing schedule:

12/18/86 - Select Committee (Appropriations/Business & Labor), State Employee Collective Bargaining, 10:00 a.m. and 1:30 p.m. - LR 406, Room 1517, State Capitol.

GENERAL FILE

LEGISLATIVE BILL 1. Considered.

MR. CARSTEN PRESIDING

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Scofield offered the following amendment:

On page 43, line 18, insert the following.

"It is the intent of the Legislature that the Board of Regents of the University of Nebraska phase out the Lincoln Nursing Program over a period of three years beginning FY 1987-88 and reallocate the General Funds to the Scottsbluff Nursing Program"

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Ms. Scofield moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Ms. Scofield withdrew her pending amendment.

The Chair declared the call raised.

Mr. Hoagland asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved to indefinitely postpone LB 1.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 13 nays, and 23 not voting.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 7:

Chambers	Higgins	Pappas	Rupp	Sieck
Eret	Lynch			

Voting in the negative, 34:

Abboud	DeCamp	Hefner	McFarland	Schmit
Baack	Goll	Johnson, L.	Miller	Scofield
Barrett	Goodrich	Johnson, V.	Nelson	Smith
Beyer	Haberman	Labeledz	Peterson	Vickers
Carsten	Hall	Lamb	Pirsch	Warner
Chizek	Hannibal	Landis	Remmers	Withem
Conway	Harris	Lundy	Rogers	

Present and not voting, 2:

Hartnett Nichol

Excused and not voting, 6:

Chronister Johnson, R. Marsh Morehead Wesely
Hoagland

The Chambers motion to indefinitely postpone lost with 7 ayes, 34 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem offered the following amendment to LB 1:
to strike all reductions in State Aid to Education found in Program 143 of Section 2

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Withem moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Withem requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Baack	DeCamp	Harris	Nichol	Schmit
Beyer	Eret	Hartnett	Pappas	Sieck
Chambers	Goodrich	Lynch	Remmers	Smith
Chizek	Haberman	Miller	Rogers	Withem
Conway	Hall	Nelson	Rupp	

Voting in the negative, 19:

Abboud	Goll	Higgins	Labeledz	Lundy
Barrett	Hannibal	Johnson, L.	Lamb	McFarland
Carsten	Hefner	Johnson, V.	Landis	Peterson

Pirsch Scofield Vickers Warner

Present and not voting, 1:

Wesely

Excused and not voting, 5:

Chronister Hoagland Johnson, R. Marsh Morehead

The Withem amendment lost with 24 ayes, 19 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Messrs. Abboud, Goll, and McFarland asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. DeCamp offered the following amendment:

AM018S

- 1 1. Insert the following new section:
2 "Sec. 19. Agency No. 87 -- Nebraska
3 Accountability and Disclosure Commission
4 Program No. 94 - Nebraska Political
5 Accountability and Disclosure Act
6 GENERAL FUND 139,418
7 PROGRAM TOTAL 139,418
8 Total expenditures for permanent and temporary
9 salaries and per diems shall not exceed \$93,213."
10 2. On page 58, line 6, strike the first
11 "and", and after "75," insert "and 77,".
12 3. Rename the remaining sections
13 accordingly.

Mr. Schmit asked unanimous consent to be excused until he returns.
No objections. So ordered.

Mr. DeCamp withdrew his pending amendment.

Messrs. Barrett, Haberman, Harris, and Vickers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Sieck offered the following amendment:

AM026S

- 1 1. On page 25, strike lines 3 through 25.

- 2 2. Strike pages 26 through 30.
- 3 3. On page 31, strike lines 8 through 13.
- 4 4. On page 58, line 5, strike "22," and in
- 5 line 6 after the fourth comma insert "Laws 1986, LB
- 6 1251, section 22, except subdivision (7) of such
- 7 section,".

Pending.

VISITORS

Visitors to the Chamber were Senator Lundy's daughter, Karen Larsen from Chicago, Illinois, and granddaughter, Kimberley Larsen from Bloomington, Indiana.

RECESS

At 11:57 a.m., on a motion by Mr. Lundy, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Chronister, Mesdames Marsh, and Morehead who were excused; and Messrs. Abboud, Hoagland, L. Johnson, R. Johnson, and Mrs. Pirsch who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1. Mr. Sieck renewed his pending amendment, AM026S, found in this day's Journal on page 38.

Messrs. Pappas and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Sieck moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Chambers requested a record vote on the Sieck amendment.

Voting in the affirmative, 20:

Beyer	Eret	Higgins	Miller	Rogers
Chambers	Goodrich	Labeledz	Nelson	Rupp
Chizek	Harris	Lynch	Nichol	Sieck
Conway	Hartnett	McFarland	Remmers	Wesely

Voting in the negative, 20:

Baack	Goll	Hefner	Landis	Scofield
Barrett	Haberman	Johnson, L.	Lundy	Smith
Carsten	Hall	Johnson, V.	Peterson	Warner
DeCamp	Hannibal	Lamb	Pirsch	Withem

Present and not voting, 1:

Vickers

Excused and not voting, 8:

Abboud	Hoagland	Marsh	Pappas	Schmit
Chronister	Johnson, R.	Morehead		

The Sieck amendment lost with 20 ayes, 20 nays, 1 present and not voting, and 8 excused and not voting.

Pending.

STANDING COMMITTEE REPORT Revenue

LEGISLATIVE BILL 4. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

MOTION - Place LB 4 on General File

Mr. DeCamp moved that LB 4 be placed on General File notwithstanding the action of the Revenue Committee.

Laid over.

The Chair declared the call raised.

MOTION - Reconsider Action on LB 1

Mr. Wesely moved to reconsider the Withem amendment, found in this day's Journal on page 37.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Wesely moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Chambers requested a record vote on the Wesely motion to reconsider.

Voting in the affirmative, 19:

Baack	DeCamp	Hall	Miller	Sieck
Chambers	Eret	Harris	Nichol	Wesely
Chizek	Goodrich	Hartnett	Rogers	Withem
Conway	Haberman	Lynch	Rupp	

Voting in the negative, 22:

Abboud	Hannibal	Labedz	McFarland	Scofield
Barrett	Hefner	Lamb	Nelson	Smith
Beyer	Higgins	Landis	Peterson	Vickers
Carsten	Johnson, L.	Lundy	Pirsch	Warner
Goll	Johnson, V.			

Present and not voting, 1:

Remmers

Excused and not voting, 7:

Chronister	Johnson, R.	Morehead	Pappas	Schmit
Hoagland	Marsh			

The Wesely motion to reconsider lost with 19 ayes, 22 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 1. Mr. Wesely offered the following amendment:

AM024S

- 1 1. Strike original section 7.
- 2 2. On page 55, line 5, strike "23,".
- 3 3. In the Standing Committee amendments,
- 4 strike amendment 7 and renumber the remaining amendments
- 5 accordingly.
- 6 4. Renumber the remaining sections
- 7 accordingly.

MR. CARSTEN PRESIDING

Mr. Goll and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

The Wesely amendment lost with 9 ayes, 25 nays, 8 present and not voting, and 7 excused and not voting.

Pending.

UNANIMOUS CONSENT - Member Excused

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 1 in the Journal. No objections. So ordered.

AM031S

- 1 1. On page 43, line 2, strike "160,629,075"
- 2 and insert "155,629,075"; in line 6 strike "461,305,175"
- 3 and insert "456,305,175"; and after line 17 insert the
- 4 following:
- 5 "Beginning immediately the Board of Regents of
- 6 the University of Nebraska shall phase out (a) the
- 7 University of Nebraska Medical Center over a three-year
- 8 period and (b) the College of Architecture over a
- 9 two-year period. Reductions shall be made in the budget
- 10 requests submitted by the Board of Regents to reflect
- 11 the elimination of these programs."

LEGISLATIVE BILL 1. Mr. Lynch offered the following amendment:

AM029S

1 1. On page 25, after line 2 insert: "By
2 January 23, 1987, the Department of Public Institutions
3 and the Department of Social Services shall prepare and
4 submit to the Legislature's Appropriations Committee
5 Total Model Budgets for each of the intermediate care
6 facilities for the mentally retarded based upon the
7 Report on the Development of a Medicaid Rate-Setting
8 Methodology for Intermediate Care Facility Services for
9 the Mentally Retarded prepared by Touche Ross and
10 Company on November 30, 1983, in addition to any budget
11 information which the departments have previously
12 submitted to the Legislature."

The Lynch amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Warner moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Warner requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 33:

Abboud	DeCamp	Johnson, L.	Nelson	Schmit
Baack	Goodrich	Johnson, V.	Nichol	Scofield
Barrett	Haberman	Labeledz	Peterson	Smith
Beyer	Hall	Lamb	Pirsch	Vickers
Carsten	Hannibal	Landis	Remmers	Warner
Chizek	Hefner	Lundy	Rupp	Withem
Conway	Hoagland	McFarland		

Voting in the negative, 8:

Chambers	Harris	Pappas	Sieck	Wesely
Eret	Miller	Rogers		

Present and not voting, 2:

Higgins Lynch

Excused and not voting, 6:

Chronister Hartnett Johnson, R. Marsh Morehead
Goll

Advanced to E & R for Review with 33 ayes, 8 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 2. Title read. Considered.

Standing Committee amendments, AM015S, found in the Journal on page 27 for the Third Day were considered.

Mr. Rupp asked unanimous consent to be excused. No objections. So ordered.

Messrs. Haberman and McFarland asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendments were adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Mr. Vickers offered the following amendment:
AM030S

(Amendments to the Standing Committee Amendments)

- 1 1. On page 1, line 14 strike "behaviorally
- 2 impaired" and insert "seriously emotionally disturbed";
- 3 and in line 15 after the first comma insert "speech
- 4 impaired children."
- 5 2. On page 5, line 20, strike "Beginning
- 6 with" and insert "For".
- 7 3. On page 6, line 5, after "for" insert
- 8 "such" and strike "with less severely handicapping"; in
- 9 line 6 strike "conditions"; in line 21 strike
- 10 "multiplied" and insert "adjusted"; and in line 23
- 11 strike "same such" and insert "fiscal year for which the
- 12 appropriation is being made compared to the preceding".

Mr. Miller asked unanimous consent to be excused until he returns. No objections. So ordered.

The Vickers amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 3. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 1 in the Journal. No objections. So ordered.

AM032S

(Amendments to Standing Committee Amendments)

- 1 1. On page 4, line 11, strike "75,308" and
2 insert "229,928"; strike line 12; in line 13 strike
3 "789,928" and insert "229,928"; in line 15 strike
4 "537,981" and insert "142,711"; strike lines 16 through
5 18; in line 21 strike "37,311,681" and insert
6 "37,466,301"; in line 22 strike "1,152,970" and insert
7 "438,350"; and in line 24 strike "39,691,792" and insert
8 "39,131,792".
9 2. On page 5, strike line 2.

SELECT COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 1. Placed on Select File as amended.
E & R amendments to LB 1:

AM5001

- 1 1. In the Standing Committee amendments,
2 AM008S, adopted December 8, 1986, on page 2, line 4,
3 strike "31,192,409" and insert "32,192,409".
4 2. On page 1, line 5, after "repeal" insert
5 "Laws 1986, LB 1027A, section 4,,"; in line 6 after
6 "sections" insert "4,," after "10," insert "13,," after
7 "23," insert "24,," and strike "35,,"; in line 7 strike
8 "61," and insert "48, 58," and strike "65,,"; and in line
9 8 strike "section" and insert "sections 14 and".
10 3. On page 38, line 4, strike "348,988,720"
11 and insert "348,988,65".
12 4. On page 45, line 19, strike "year
13 1988-1989 budget" and insert "years 1987-88 and 1988-89
14 budgets".
15 5. On page 46, line 11, strike "computing"

16 and insert "computer".

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 1 in the Journal. No objections. So ordered.

AM033S

- 1 1. On page 6, after line 20, insert the
- 2 following:
- 3 "It is the intent of the Legislature that
- 4 reductions to state aid to education made during the
- 5 Eighty-ninth Legislature, Fourth Special Session, 1986,
- 6 result in actual program reductions by school districts.
- 7 The school districts shall not increase property taxes
- 8 to compensate for such reductions. School districts
- 9 shall adjust their budgets to reflect a decrease in
- 10 state aid to education and shall treat such reduction as
- 11 a permanent reduction.
- 12 Each school district shall itemize program
- 13 reductions made as a result of such legislative action
- 14 and the dollar savings attributable to each program
- 15 reduction. Such itemization shall be submitted to the
- 16 Legislative Fiscal Analyst by February 1, 1987."

RESOLUTION

LEGISLATIVE RESOLUTION 2.

Introduced by Vickers, 38th District.

WHEREAS, Luella Dowell Stalder, of Falls City, Nebraska, departed from this life on December 9, 1986, at 84 years of age; and

WHEREAS, Mrs. Stalder was survived by many relatives and friends, including her four daughters and five grandchildren; and

WHEREAS, Mrs. Stalder was Senator Patricia Morehead's mother; and

WHEREAS, services for Mrs. Stalder will be held Friday, December 12, 1986, at the First United Methodist Church in Falls City.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FOURTH SPECIAL SESSION:

1. That the members of the Legislature express their sympathy to the family of Luella Dowell Stalder.

2. That a copy of this resolution be presented to her daughter, Senator Patricia Morehead, as an expression of regret to Senator Morehead and her family on the passing of Mrs. Stalder.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LB 1 in the Journal. No objections. So ordered.

(1)
Strike Section 6 and on page 58, line 5, strike "22".

(2)
Strike Section 2 and on page 58, line 5, strike "10"

(3)
Strike Section 3 and on page 58, line 5, strike "15".

(4)
Strike Section 4 and on page 58, line 5, strike "17"

(5)
Strike Section 5 and on page 58, line 5, strike "20"

(6)
Strike Section 7 and on page 58, line 5, strike "23"

(7)
Strike Section 8 and on page 58, line 5, strike 31

(8)
Strike Section 13 and on page 58, line 5, strike "62"

(9)
Strike Section 16 and on page 58, line 6, strike "73".

(10)
Strike Section 18 and on page 58, line 6, strike "75"

ADJOURNMENT

At 4:34 p.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Wednesday, December 10, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY - DECEMBER 10, 1986**LEGISLATIVE JOURNAL****EIGHTY-NINTH LEGISLATURE
FOURTH SPECIAL SESSION****FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, December 10, 1986

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mesdames Marsh and Morehead who were excused; and Messrs. Chambers, Chronister, Conway, Goll, Hall, Hannibal, Hefner, L. Johnson, R. Johnson, V. Johnson, Peterson, Rupp, Schmit, Wesely, Mesdames Higgins, Labedz, Nelson, Pirsch, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 45, line 35, strike "348,988,65" and insert "348,988,657".
The Journal for the Fourth Day was approved as corrected.

SELECT COMMITTEE REPORTS**Enrollment and Review**

LEGISLATIVE BILL 2. Placed on Select File as amended.

E & R amendments to LB 2:

AM5002

- 1 1. In the Standing Committee Amendments,
- 2 AM015S, adopted December 9, 1986:

- 3 a. On page 3, line 19, strike “does” and
4 insert “shall”;
5 b. On page 4, line 12, strike “disfunction”
6 and insert “dysfunction” and strike “deplexia” and
7 insert “dyslexia”; and in line 17 strike “of”;
8 c. On page 5, line 12, after “disorder” insert
9 an underscored comma
10 d. On page 6, line 12, strike “on”; in line 13
11 strike “site” and insert “onsite”; and in line 24 before
12 the period insert “and insert ‘43-604’ ”.
13 2. On page 1, line 2, strike “43-611,
14 43-626,” and insert “43-604”; in line 3 after the
15 semicolon insert “to redefine terms,”; in line 5 strike
16 “transportation expenses and”; and strike beginning with
17 “to” in line 6 through the semicolon in line 7.

Correctly Engrossed

The following bill was correctly engrossed: 3.

(Signed) Timothy Hall, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 2. Read. Considered.

Mr. Vickers asked unanimous consent to add the names of all members of the Legislature to LR 2. No objections. So ordered.

LR 2 was adopted with 26 ayes, 0 nays, and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 1. E & R amendments, AM5001, found in the Journal on page 45 for the Fourth Day were adopted.

Mr. Hall withdrew his pending amendment, AM017S, found in the Journal on page 25.

Mr. DeCamp renewed his pending amendment, AM033S, found in the Journal on page 46.

MR. CARSTEN PRESIDING

Mr. DeCamp moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Abboud	DeCamp	Johnson, R.	Peterson	Rupp
Barrett	Eret	Labeledz	Pirsch	Sieck
Beyer	Hefner	Nelson	Rogers	Vickers
Conway	Higgins			

Voting in the negative, 24:

Baack	Hall	Johnson, V.	McFarland	Scofield
Carsten	Harris	Lamb	Miller	Warner
Chizek	Hartnett	Landis	Nichol	Wesely
Goodrich	Hoagland	Lundy	Pappas	Withem
Haberman	Johnson, L.	Lynch	Remmers	

Present and not voting, 1:

Smith

Excused and not voting, 7:

Chambers	Goll	Marsh	Morehead	Schmit
Chronister	Hannibal			

The DeCamp amendment lost with 17 ayes, 24 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Lynch withdrew his pending amendment, AM019S, found in the Journal on page 33.

Mr. DeCamp renewed his pending amendment, AM031S, found in the Journal on page 42.

Mr. DeCamp withdrew his pending amendment, AM031S.

Mr. Schmit renewed his pending amendment, AM032S, found in the Journal on page 45.

Mr. Lundy asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schmit amendment was adopted with 26 ayes, 7 nays, 11 present and not voting, and 5 excused and not voting.

Ms. Scofield and Mr. Nichol offered the following amendment:
AM037S

- 1 1. On page 43, line 2, strike "160,629,075"
- 2 and insert "160,729,075"; in line 6 strike "461,305,175"
- 3 and insert "461,405,175"; and after line 17 insert the
- 4 following:
- 5 "There is included in the appropriation to the
- 6 University of Nebraska Medical Center \$100,000 General
- 7 Funds to begin phasing in a baccalaureate degree nursing
- 8 program at West Nebraska General Hospital in Scottsbluff
- 9 in cooperation with regional institutions."

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 4 nays, and 21 not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Nichol moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Scofield-Nichol amendment was adopted with 25 ayes, 13 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit offered the following amendment:
AM035S

- 1 1. Insert the following new section:
- 2 "Sec. 23. There is hereby appropriated (1)
- 3 \$8,500 from the General Fund for the period July 1,
- 4 1986, to June 30, 1987, and (2) \$308,000 from the

- 5 General Fund for the period July 1, 1987, to June 30,
 6 1988, to the Public Service Commission, for Program 54,
 7 to aid in carrying out the provisions of Legislative
 8 Bill 835, Eighty-ninth Legislature, Second Session,
 9 1986.
- 10 Total expenditures for permanent and temporary
 11 salaries and per diems from funds appropriated in this
 12 section shall exceed neither \$8,500 for the period July
 13 1, 1986, to June 30, 1987, nor \$221,000 for the period
 14 July 1, 1987, to June 30, 1988.”.
- 15 2. Renumber remaining sections accordingly.
- 16 3. On page 58, line 6, strike the second
 17 “and”; and in line 7 before “are” insert “and Laws 1986,
 18 LB 835A,”.

Mr. Chronister asked unanimous consent to be excused. No objections. So ordered.

Mr. Schmit moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Wesely requested a roll call vote on the Schmit amendment.

Voting in the affirmative, 30:

Abboud	DeCamp	Johnson, L.	Nelson	Schmit
Baack	Eret	Johnson, R.	Nichol	Scofield
Barrett	Goodrich	Johnson, V.	Peterson	Sieck
Beyer	Haberman	Labedz	Remmers	Smith
Carsten	Hefner	Landis	Rogers	Vickers
Chambers	Higgins	McFarland	Rupp	Warner

Voting in the negative, 9:

Chizek	Harris	Hoagland	Pirsch	Withem
Hall	Hartnett	Lamb	Wesely	

Present and not voting, 2:

Conway	Miller
--------	--------

Excused and not voting, 8:

Chronister	Hannibal	Lynch	Morehead	Pappas
Goll	Lundy	Marsh		

The Schmit amendment was adopted with 30 ayes, 9 nays, 2 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mrs. Higgins offered the following amendment to LB 1:

1. On page 6, after line 20, insert the following:

"It is the intent of the Legislature that reductions to state aid to education made during the Eighty-ninth Legislature, Fourth Special Session, 1986, result in reductions in administrative costs and extra-curricular activities including athletics by school districts, and other items not directly related to education. The school districts shall not increase property taxes to compensate for such reductions. School districts shall adjust their budgets to reflect a decrease in state aid to education and shall treat such reduction as a permanent reduction.

Each school district shall itemize program reductions made as a result of such legislative action and the dollar savings attributable to each program reduction. Such itemization shall be submitted to the Legislative Fiscal Analyst by February 1, 1987."

SPEAKER NICHOL PRESIDING

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Higgins amendment lost with 8 ayes, 13 nays, 20 present and not voting, and 8 excused and not voting.

Mrs. Labeledz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers withdrew his pending amendments (1), (2), (3), (4), and (5) found in the Journal on page 47.

Mr. Chambers renewed his pending amendment (6) found in the Journal on page 47.

Messrs. Abboud, Peterson, Vickers, and McFarland asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 2.

RESOLUTION**LEGISLATIVE RESOLUTION 3.**

Introduced by Schmit, 23rd District; Abboud, 12th District; Baack, 47th District; Barrett, 39th District; Beyer, 3rd District; Carsten, 2nd District; Chambers, 11th District; Chizek, 31st District; Chronister, 18th District; Eret, 32nd District; Goodrich, 20th District; Hall, 7th District; Hannibal, 4th District; Harris, 27th District; Hartnett, 45th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Lamb, 43rd District; Landis, 46th District; Lundy, 36th District; McFarland, 28th District; Miller, 37th District; Nelson, 35th District; Nichol, 48th District; Pappas, 42nd District; Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rogers, 41st District; Rupp, 22nd District; Scofield, 49th District; Sieck, 24th District; Smith, 33rd District; Vickers, 38th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, The exemplary service which Senator Richard D. Marvel provided the State of Nebraska as a member of the Legislature for twenty-eight years deserves the permanent recognition of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FOURTH SPECIAL SESSION:

1. That the State Building Administrator recommend to the Governor the naming of the state office building in Lincoln after Richard D. Marvel.

2. That the state office building in Lincoln be named the Richard D. Marvel State Office Building as a lasting memorial to Senator Marvel's memory.

Laid over.

RECESS

At 12:06 p.m., on a motion by Mr. Barrett, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mr. Carsten presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Chronister, Hannibal, Mesdames Marsh, and Morehead who were excused; and Messrs. McFarland, Nichol, Peterson, and Schmit who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 1. The Chambers pending amendment (6) found in the Journal on page 47 and considered on page 54 was renewed.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 16:

Chambers	Eret	Harris	Lynch	Rupp
Chizek	Haberman	Hartnett	McFarland	Sieck
Conway	Hall	Higgins	Miller	Wesely
DeCamp				

Voting in the negative, 22:

Abboud	Goodrich	Johnson, V.	Nelson	Scofield
Baack	Hefner	Lamb	Pappas	Smith
Barrett	Hoagland	Landis	Pirsch	Warner
Beyer	Johnson, L.	Lundy	Remmers	Withem
Goll	Johnson, R.			

Present and not voting, 3:

Carsten	Rogers	Vickers
---------	--------	---------

Excused and not voting, 8:

Chronister	Labeledz	Morehead	Peterson	Schmit
Hannibal	Marsh	Nichol		

The Chambers amendment lost with 16 ayes, 22 nays, 3 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers renewed his pending amendment (7) found in the Journal on page 47.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 6:

Chambers	Hall	Higgins	Miller	Sieck
Eret				

Voting in the negative, 17:

Barrett	Hefner	Lamb	Pirsch	Rupp
DeCamp	Hoagland	Lundy	Remmers	Smith
Goll	Johnson, L.	Peterson	Rogers	Warner
Goodrich	Johnson, V.			

Present and not voting, 17:

Baack	Conway	Landis	Nelson	Vickers
Beyer	Haberman	Lynch	Pappas	Wesely
Carsten	Hartnett	McFarland	Scofield	Withem
Chizek	Johnson, R.			

Excused and not voting, 9:

Abboud	Hannibal	Labeledz	Morehead	Schmit
Chronister	Harris	Marsh	Nichol	

The Chambers amendment lost with 6 ayes, 17 nays, 17 present and not voting, and 9 excused and not voting.

Mr. Chambers withdrew his pending amendment (8) found in the Journal on page 47.

Mr. Chambers renewed his pending amendment (9) found in the Journal on page 47.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 8:

Chambers	Hall	Lynch	Sieck	Wesely
Eret	Higgins	Miller		

Voting in the negative, 13:

Beyer	Hoagland	Lundy	Rupp	Smith
DeCamp	Johnson, L.	Nelson	Scofield	Warner
Hefner	Landis	Remmers		

Present and not voting, 19:

Baack	Conway	Hartnett	McFarland	Rogers
Barrett	Goll	Johnson, R.	Pappas	Vickers
Carsten	Goodrich	Johnson, V.	Peterson	Withem
Chizek	Haberman	Lamb	Pirsch	

Excused and not voting, 9:

Abboud	Hannibal	Labeledz	Morehead	Schmit
Chronister	Harris	Marsh	Nichol	

The Chambers amendment lost with 8 ayes, 13 nays, 19 present and not voting, and 9 excused and not voting.

Mr. Chambers renewed his pending amendment (10) found in the Journal on page 47.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 7:

Chambers	Eret	Haberman	Lynch	Miller
----------	------	----------	-------	--------

Sieck Wesely

Voting in the negative, 15:

Baack	Hall	Johnson, V.	Peterson	Scofield
Carsten	Hoagland	Lundy	Remmers	Smith
Goll	Johnson, L.	Nelson	Rupp	Warner

Present and not voting, 18:

Barrett	DeCamp	Higgins	McFarland	Rogers
Beyer	Goodrich	Johnson, R.	Pappas	Vickers
Chizek	Hartnett	Lamb	Pirsch	Withem
Conway	Hefner	Landis		

Excused and not voting, 9:

Abboud	Hannibal	Labeledz	Morehead	Schmit
Chronister	Harris	Marsh	Nichol	

The Chambers amendment lost with 7 ayes, 15 nays, 18 present and not voting, and 9 excused and not voting.

Mr. Sieck offered the following amendment:

AM026S

- 1 1. On page 25, strike lines 3 through 25.
- 2 2. Strike pages 26 through 30.
- 3 3. On page 31, strike lines 8 through 13.
- 4 4. On page 58, line 5, strike "22," and in
- 5 line 6 after the fourth comma insert "Laws 1986, LB
- 6 1251, section 22, except subdivision (7) of such
- 7 section,".

Mr. Sieck moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a roll call vote on the Sieck amendment.

Voting in the affirmative, 25:

Baack	Conway	Hall	Hoagland	Nelson
Beyer	DeCamp	Harris	Lynch	Nichol
Chambers	Eret	Hartnett	McFarland	Pappas
Chizek	Goodrich	Higgins	Miller	Remmers

Rogers	Schmit	Sieck	Vickers	Wesely
--------	--------	-------	---------	--------

Voting in the negative, 18:

Barrett	Hefner	Lamb	Pirsch	Smith
Carsten	Johnson, L.	Landis	Rupp	Warner
Goll	Johnson, R.	Lundy	Scofield	Withem
Haberman	Johnson, V.	Peterson		

Excused and not voting, 6:

Abboud	Hannibal	Labeledz	Marsh	Morehead
Chronister				

The Sieck amendment was adopted with 25 ayes, 18 nays, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Vickers offered the following amendment:
AM023S

- 1 1. On page 5, line 25, strike "125,919,664"
- 2 and insert "123,619,664".
- 3 2. On page 6, line 2, strike "138,896,820"
- 4 and insert "136,596,820"; in lines 4, 5, 10, and 11
- 5 strike "\$89,869,450" and insert "\$87,569,450"; and in
- 6 line 16 strike "\$35,235,912" and insert "\$32,935,912".
- 7 3. On page 7, line 11, strike "\$125,869,969"
- 8 and insert "\$123,569,969".
- 9 4. On page 12, line 24, strike "186,344,371"
- 10 and insert "184,044,371".
- 11 5. On page 13, line 3, strike "249,542,959"
- 12 and insert "247,242,959".

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Vickers requested a record vote on his amendment.

Voting in the affirmative, 10:

Chambers	Landis	McFarland	Pirsch	Vickers
Hartnett	Lynch	Miller	Sieck	Wesely

Voting in the negative, 17:

1 1. Strike original section 11 and insert the
2 following new sections:
3 "Sec. 6. Agency No. 19 -- Department of
4 Banking and Finance
5 (1) Program No. 28 - Departmental
6 Administration
7 CASH FUND 770,430
8 PROGRAM TOTAL 770,430
9 Total expenditures for permanent and temporary
10 salaries and per diems shall not exceed \$498,958.
11 (2) Program No. 65 - Enforcement of Standards
12 - Financial Institutions
13 CASH FUND 1,574,618
14 PROGRAM TOTAL 1,574,618
15 Total expenditures for permanent and temporary
16 salaries and per diems shall not exceed \$1,115,733.
17 (3) Program No. 66 - Enforcement of Standards
18 - Securities
19 CASH FUND 340,540
20 PROGRAM TOTAL 340,540
21 Total expenditures for permanent and temporary
22 salaries and per diems shall not exceed \$236,282.
23 The State Treasurer is hereby directed to

3 transfer \$1,200,000 from the Securities Act Cash Fund
 4 No. 2192 to the General Fund on or before June 30, 1987.
 5 For Informational Purposes Only: Total Appropriations
 6 to Agency No. 19 and Fund Source

7 CASH FUND 2,685,588
 8 AGENCY TOTAL 2,685,588

9 Sec. 8. Agency No. 22 -- Department of
 10 Insurance

11 (1) Program No. 69 - Enforcement of Standards
 12 - Insurance

13 CASH FUND 1,340,497
 14 PROGRAM TOTAL 1,340,497

15 Total expenditures for permanent and temporary
 16 salaries and per diems shall not exceed \$918,004.

17 (2) Program No. 555 - Examination of
 18 Insurance Companies

19 CASH FUND 773,561
 20 PROGRAM TOTAL 773,561

21 Total expenditures for permanent and temporary
 22 salaries and per diems shall not exceed \$556,469.

23 (3) Program No. 556 - Liquidation of
 24 Insurance Companies

1 CASH FUND 10,000
 2 PROGRAM TOTAL 10,000

3 There shall be no expenditures for personal
 4 services from the appropriation to this program.

5 (4) Program No. 557 - Tuition Assistance

6 CASH FUND 2,000
 7 PROGRAM TOTAL 2,000

8 The State Treasurer is hereby directed to
 9 transfer \$1,200,000 from the Insurance Cash Fund No.
 10 2221 to the General Fund on or before June 30, 1987.

11 For Informational Purposes Only: Total Appropriations
 12 to Agency No. 22 and Fund Source

13 CASH FUND 2,126,058
 14 AGENCY TOTAL 2,126,058."

15 2. On page 58, line 5, after "15," insert
 16 "16," before "20," insert "19," and strike "47,".

17 3. Renumber the remaining sections.

SPEAKER NICHOL PRESIDING

Mr. Conway asked unanimous consent to be excused until he returns.
 No objections. So ordered.

Mr. Schmit moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Abboud	Eret	Labeledz	Remmers	Sieck
Baack	Goodrich	Lynch	Rogers	Vickers
Chambers	Haberman	Pappas	Rupp	Wesely
Chizek	Hall	Pirsch	Schmit	Withem
DeCamp				

Voting in the negative, 15:

Barrett	Harris	Johnson, L.	Lamb	Scofield
Carsten	Hefner	Johnson, R.	Landis	Smith
Goll	Hoagland	Johnson, V.	Lundy	Warner

Present and not voting, 8:

Beyer	Higgins	Miller	Nichol	Peterson
Hartnett	McFarland	Nelson		

Excused and not voting, 5:

Chronister	Conway	Hannibal	Marsh	Morehead
------------	--------	----------	-------	----------

The Schmit amendment lost with 21 ayes, 15 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

MOTION - Return LB 1 to Committee

Mr. DeCamp moved to return LB 1 to committee

Mrs. Labeledz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. Rupp asked unanimous consent to be excused until he returns.
No objections. So ordered.

Mr. DeCamp withdrew his pending motion to return LB 1 to committee.

MOTION - Adjourn Sine Die

Mr. Lynch moved that we adjourn this Special Session Sine Die.

Mr. Haberman moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mr. Haberman requested a roll call vote on the Lynch motion to adjourn sine die.

Voting in the affirmative, 17:

Baack	Eret	Harris	McFarland	Sieck
Chambers	Goodrich	Hartnett	Miller	Wesely
Chizek	Haberman	Lynch	Pappas	Withem
DeCamp	Hall			

Voting in the negative, 24:

Abboud	Hefner	Johnson, V.	Peterson	Scofield
Barrett	Higgins	Lamb	Pirsch	Smith
Beyer	Hoagland	Landis	Remmers	Vickers
Carsten	Johnson, L.	Lundy	Rogers	Warner
Goll	Johnson, R.	Nelson	Schmit	

Present and not voting, 1:

Nichol

Excused and not voting, 7:

Chronister	Hannibal	Marsh	Morehead	Rupp
Conway	Labeledz			

The Lynch motion to adjourn sine die lost with 17 ayes, 24 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 1. Mr. V. Johnson offered the following amendment:

PURPOSE: To make the reduction for state aid to education from foundation aid rather than foundation and equalization aid.

AMENDMENT:

On page 6, in lines 4, 5, 10 and 11, strike "89,869,450" and insert "91,238,000"; in line 16, strike "35,235,912" and insert "33,867,362."

MR. CARSTEN PRESIDING

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud	Goodrich	Hoagland	Lynch	Pirsch
Beyer	Hall	Johnson, V.	McFarland	Vickers
Chambers	Harris	Labeledz	Nelson	Wesely
Chizek	Hartnett	Landis	Pappas	Withem
DeCamp	Higgins	Lundy		

Voting in the negative, 17:

Baack	Haberman	Lamb	Rogers	Scofield
Carsten	Hefner	Peterson	Rupp	Sieck
Eret	Johnson, L.	Remmers	Schmit	Warner
Goll	Johnson, R.			

Present and not voting, 3:

Barrett	Miller	Smith
---------	--------	-------

Absent and not voting, 1:

Nichol

Excused and not voting, 5:

Chronister Conway Hannibal Marsh Morehead

The V. Johnson amendment lost with 23 ayes, 17 nays, 3 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hartnett offered the following amendment:
AM045S

- 1 1. On page 58, line 6, after "75," insert
- 2 "and subdivision (2) of section 87,".

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Hartnett moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Hartnett requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Abboud	Eret	Hoagland	Miller	Remmers
Beyer	Goodrich	Johnson, V.	Nelson	Rupp
Chambers	Haberman	Labeledz	Peterson	Withem
Chizek	Hartnett	Lynch	Pirsch	

Voting in the negative, 16:

Baack	Goll	Johnson, L.	Pappas	Vickers
Barrett	Hall	Johnson, R.	Rogers	Warner
Carsten	Harris	Landis	Smith	Wesely
DeCamp				

Present and not voting, 7:

Hefner	Lundy	Nichol	Scofield	Sieck
Higgins	McFarland			

Absent and not voting, 1:

Lamb

Excused and not voting, 6:

Chronister Hannibal Marsh Morehead Schmit
Conway

The Hartnett amendment lost with 19 ayes, 16 nays, 7 present and not voting, 1 absent and not voting, and 6 excused and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

Mr. Wesely requested a machine vote on the advancement of the bill.

Advance to E & R for Engrossment with 33 ayes, 8 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORT Health and Human Services

The Health and Human Services Committee held a hearing on the confirmation of Dennis Carlson and Betty Matz to the Foster Care Review Board, on December 10, 1986.

The Committee voted to approve these two appointments as follows: AYE: Wesely, Withem, Lynch and Hall; ABSENT: Peterson, Smith and Chronister.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 1 in the Journal. No objections. So ordered.

To amend LB 1, as amended

On page 22, in line 25, strike "7,316,261" and insert "7,466,261".

On page 23, in line 2, strike "9,450,875" and insert "9,600,875", in line 7, strike "4,400,999" and insert "4,550,999".

On page 24, in line 2, strike "24,440,936" and insert "24,590,936", in line 5, strike "34,992,275" and insert "35,142,275", in line 10, strike "5,535,547" and insert "5,685,547", in line 14, strike "5,121,194" and insert "5,271,194".

SELECT FILE

LEGISLATIVE BILL 2. E & R amendments, AM5002, found in the Journal on page 49 for the Fifth Day were adopted.

Mr. Vickers offered the following amendment:

AM049S

1. Insert the following new sections:

"Sec. 3. Sections 1 and 4 of this act shall become operative on August 31, 1987. The remaining sections shall become operative on their effective date.

Sec. 4. That original section 43-604, Revised Statutes Supplement, 1986, is repealed."

2. On page 5, line 2, after the period insert "In each fiscal year subsequent to fiscal year 1987-88, this subsection shall apply only to special education programs not described in subsection (2) of this section."; in line 21 strike "sections 43-611," and insert "section"; in line 22 strike "43-626, and "; and in line 23 strike "are" and insert "is".

3. In the Standing Committee amendment, beginning on page 27 of the Journal:

a. On page 5, strike beginning with "Beginning" in line 20 through line 24; and

b. On page 6, strike lines 1 through 3; in line 16 after "amount" insert "for special education programs for (i) handicapped children who require special education programs outside of the regular classroom for a period of time less than six hours per week and (ii) for handicapped children who are in special education programs for the learning disabled or speech impaired"; in line 17 strike "(i)" and insert "(A)"; in line 19 strike "(ii)" and insert "(B)"; in line 23 after the period insert the following new subsection:

"(3) School districts, educational service units, and cooperatives of school districts shall submit financial data for special education programs offered in the 1987-88 school year as requested by the State Department of Education which shall separate such

13 programs for the learning disabled, for the speech
 14 impaired, and for handicapped children who require
 15 special education programs outside of the regular
 16 classroom for a period of time less than six hours per
 17 week, from other special education programs.

18 If the amount appropriated by the Legislature
 19 for the fiscal year for which the appropriation is being
 20 made for special education programs is less than ninety
 21 per cent of the allowable excess costs for the preceding
 22 year, the amount so appropriated shall be prorated by
 23 the State Department of Education based on plans and
 24 budgets in reports submitted to such department pursuant
 1 to section 43-643.”; and strike beginning with the
 2 semicolon in line 23 through the last quotation mark in

3 line 24.

4 4. In AM030S, appearing on page 44 of the
 5 Journal:

6 a. Strike amendment 2; and

7 b. On page 1, strike beginning with “line” in
 8 line 7 through “conditions” in line 9 and insert “strike
 9 beginning with ‘children’ in line 5 through
 10 ‘conditions’ in line 6 and insert ‘(a) handicapped
 11 children who require special education programs outside
 12 of the regular classroom for a period of time less than
 13 six hours per week and (b) handicapped children who are
 14 in special education programs for the learning disabled
 15 or speech impaired”.

16 5. Renumber the remaining sections
 17 accordingly.

The Vickers amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Hartnett offered the following amendment:
 AM050S

1 1. In the Standing Committee amendments:

2 (a) Strike amendment 2 and renumber the
 3 remaining amendments accordingly;

4 (b) On page 5, strike lines 20 through 24; and

5 (c) On page 6, strike beginning with
 6 “learning” in line 1 through the period in line 7; in
 7 line 9 strike “subsection” and insert “section”; and
 8 strike beginning with “In” in line 15 through the period
 9 in line 23.

10 2. In AM030S, strike amendments 2 and 3.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

Mr. Hartnett withdrew his pending amendment, AM050S.

Advanced to E & R for Engrossment.

SPEAKER NICHOL PRESIDING

MOTION - Place LB 4 on General File

Mr. DeCamp renewed his pending motion found in the Journal on page 40 to place LB 4 on General File notwithstanding the action of the Revenue Committee.

Mr. DeCamp withdrew his pending motion to place LB 4 on General File.

EASE

The Legislature was at ease from 5:31 p.m. until 6:28 p.m.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1 and 2.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 1

The following changes, required to be reported for publication in the Journal, have been made:

ER0102

1. Title changes have been made as necessary to reflect adopted amendments.

Enrollment and Review Change to LB 2

The following changes, required to be reported for publication in the Journal, have been made:

ER0103

1. Title and repealer changes have been made as necessary to reflect adopted amendments.

(Signed) Mary E. Sommermeyer
E & R Attorney

ADJOURNMENT

At 6:29 p.m., on a motion by Mrs. Higgins, the Legislature adjourned until 9:30 a.m., Thursday, December 11, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - DECEMBER 11, 1986

LEGISLATIVE JOURNAL

SIXTH DAY - DECEMBER 11, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
FOURTH SPECIAL SESSION**

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, December 11, 1986

Pursuant to adjournment, the Legislature met at 9:32 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chronister, DeCamp, Hartnett, V. Johnson, Landis, Rupp, Sieck, Mesdames Marsh, and Morehead who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifth Day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 3. Read. Considered.

Mr. Barrett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Smith moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

LR 3 was adopted with 38 ayes, 1 nay, 1 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. Goll, Lundy, and Mrs. Nelson asked unanimous consent to have their names added as co-introducers to LR 3. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Chambers asked unanimous consent to have his name withdrawn as co-introducer to LR 3. No objections. So ordered.

MOTION - Approve Appointments

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointments found in the Journal on page 67: Dennis Carlson and Betty Matz - Foster Care Review Board.

Voting in the affirmative, 32:

Abboud	Goll	Hoagland	Nelson	Schmit
Barrett	Goodrich	Johnson, L.	Nichol	Scofield
Beyer	Haberman	Lundy	Pappas	Smith
Carsten	Hall	Lynch	Pirsch	Warner
Chambers	Hannibal	McFarland	Remmers	Wesely
Chizek	Harris	Miller	Rogers	Withem
Conway	Hefner			

Voting in the negative, 0.

Present and not voting, 8:

Baack	Higgins	Labeledz	Peterson	Vickers
Eret	Johnson, R.	Lamb		

Excused and not voting, 9:

Chronister	Hartnett	Landis	Morehead	Sieck
DeCamp	Johnson, V.	Marsh	Rupp	

These appointments were confirmed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

ADJOURNMENT

At 10:01 a.m., on a motion by Mr. Conway, the Legislature adjourned until 9:00 a.m., Friday, December 12, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY - DECEMBER 12, 1986**LEGISLATIVE JOURNAL****EIGHTY-NINTH LEGISLATURE
FOURTH SPECIAL SESSION****SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, December 12, 1986

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. DeCamp, Mesdames Marsh, and Morehead who were excused; and Messrs. Sieck and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixth Day was approved.

ANNOUNCEMENT

The Chair announced today is Senator Hefner's birthday.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 3.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1. With Emergency.

A BILL FOR AN ACT relating to appropriations; to change appropriations for the expenses of Nebraska state government for the fiscal year ending June 30, 1987; to recite limitations on expenditures; to repeal Laws 1986, LB 1251, sections 4, 9, 10, 13, 15, 17, 20, 23, 24, 31, 45, 46, 47, 48, 58, 62, 63, 73, 74, and 75, Laws 1986, LB 1251, section 22, except subdivision (7) of such section, Laws 1986, LB 1252, sections 14 and 24, and Laws 1986, LB 835A; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Abboud	Goodrich	Johnson, L.	McFarland	Rupp
Baack	Haberman	Johnson, R.	Nelson	Schmit
Barrett	Hall	Johnson, V.	Nichol	Scofield
Beyer	Hannibal	Labedz	Pappas	Sieck
Carsten	Harris	Lamb	Peterson	Smith
Chizek	Hartnett	Landis	Pirsch	Vickers
Chronister	Hefner	Lundy	Remmers	Warner
Conway	Higgins	Lynch	Rogers	Withem
Goll	Hoagland			

Voting in the negative, 2:

Chambers Eret

Present and not voting, 1:

Miller

Excused and not voting, 4:

DeCamp Marsh Morehead Wesely

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 2 to Select File

Mr. Vickers moved to return LB 2 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Vickers withdrew his pending motion to return to Select File.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 2. With Emergency.

A BILL FOR AN ACT relating to special education; to amend sections 43-604 and 43-648, Revised Statutes Supplement, 1986; to redefine terms; to change provisions relating to reimbursement for special education program costs; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 38:

Abboud	Goll	Johnson, R.	Nelson	Schmit
Baack	Haberman	Labeledz	Nichol	Scofield
Barrett	Hall	Lamb	Peterson	Sieck
Beyer	Hannibal	Landis	Pirsch	Smith
Carsten	Harris	Lundy	Remmers	Vickers
Chronister	Hefner	Lynch	Rogers	Warner
Conway	Higgins	McFarland	Rupp	Wesely
Eret	Johnson, L.	Miller		

Voting in the negative, 8:

Chambers	Goodrich	Hoagland	Pappas	Withem
Chizek	Hartnett	Johnson, V.		

Excused and not voting, 3:

DeCamp	Marsh	Morehead
--------	-------	----------

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 3. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the expenses incurred during the Eighty-ninth Legislature, Fourth Special Session; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Goll	Hoagland	McFarland	Rupp
Baack	Goodrich	Johnson, L.	Miller	Schmit
Barrett	Haberman	Johnson, R.	Nelson	Scofield
Beyer	Hall	Johnson, V.	Nichol	Sieck
Carsten	Hannibal	Labedz	Pappas	Smith
Chambers	Harris	Lamb	Peterson	Vickers
Chizek	Hartnett	Landis	Pirsch	Warner
Chronister	Hefner	Lundy	Remmers	Wesely
Conway	Higgins	Lynch	Rogers	Withem
Eret				

Voting in the negative, 0.

Excused and not voting, 3:

DeCamp Marsh Morehead

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1, 2, and 3.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of December 11, 1986. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Palmer, Betsy - Lincoln (Withdrawn 86/05/30), Older Women's League, Lincoln Chapter (Withdrawn 86/05/30), Pay Equity Association (Withdrawn 86/05/30)

UNANIMOUS CONSENT - Withdraw Amendment to LB 1

Mr. Wesely withdrew his pending amendment found in the Journal on page 69 to LB 1.

MOTION - Approve Journal

Mr. Carsten moved that the Legislative Journal for the Seventh Day be approved as prepared by the Clerk.

The motion prevailed.

MOTION - Adjourn Sine Die

Mr. Lynch moved that the Eighty-Ninth Legislature, Fourth Special Session of the Legislature, having finished all business before it, now at 9:47 a.m. adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
FOURTH SPECIAL SESSION**

PRESENTED TO THE GOVERNOR

Presented to the Governor on December 12, 1986, at 10:00 a.m., were the following bills: 1, 2, and 3.

(Signed) Pam Moravec, Enrolling Clerk

MESSAGE FROM THE GOVERNOR

December 12, 1986

Mr. Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1, 2, and 3 were received in my office on December 12, 1986.

These bills were signed by me on December 12, 1986 and delivered to the Secretary of State.

(Signed) Sincerely,
ROBERT KERREY
Governor

RK/jm

CERTIFICATE

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters

RECEIVED AFTER ADJOURNMENT

81

provided concerning action on bills after adjournment of the Eighty-Ninth Legislature, Fourth Special Session.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

December 12, 1986
Lincoln, Nebraska

CHRONOLOGY OF BILLS
EIGHTY-NINTH LEGISLATURE
FOURTH SPECIAL SESSION
1986

LEGISLATIVE BILL 1. By Speaker Nichol at request of Governor

Dec.	5	1	Read first time	6
Dec.	5	1	Referred to Committee on Appropriations. Notice of hearing (12/5)	8
Dec.	5	1	Haberman amendments #003S (1) and #004S (2) printed	9
Dec.	5	1	Haberman amendments #002S (3) and #001S (4) printed	10
Dec.	5	1	Hearing schedule printed	13
Dec.	8	3	Placed on General File - Com am #008S	20
Dec.	8	3	Committee amendment #008S sustained division of question. Committee amendments #1 and #2 adopted. Committee amendment #3 lost	21
Dec.	8	3	Haberman pending amendments #003 (1), #004S (2), #002S (3), and #001S (4), pages 9 and 10, withdrawn. Landis- Chambers-Schmit amendment #009S pending. DeCamp amendment to amendment #009S pending	22
Dec.	8	3	DeCamp pending amendment lost. Landis- Chambers-Schmit pending amendment page 22 #009S adopted. Haberman amendment #010S pending	24
Dec.	8	3	Hall amendment #017S printed	25
Dec.	8	3	Haberman pending amendment #010S page 25 and Schmit amendment #013S lost	31
Dec.	8	3	Lynch amendment #019S printed	33
Dec.	9	4	Scofield amendment withdrawn. Chambers motion to indefinitely postpone lost. Withem amendment lost. DeCamp amendment #018S withdrawn. Sieck amendment	

			#026S pending	35
Dec.	9	4	Sieck pending amendment #026S page 38 lost	39
Dec.	9	4	Wesely motion to reconsider Withem amendment page 37 lost	40
Dec.	9	4	Wesely amendment #024S lost. DeCamp amendment #031S printed	42
Dec.	9	4	Lynch amendment #029S adopted. Advanced for Review	43
Dec.	9	4	Schmit amendment #032S to committee amendment printed. Placed on Select File - AM5001	45
Dec.	9	4	DeCamp amendment #033S printed	46
Dec.	9	4	Chambers amendments (1) through (10) printed	47
Dec.	10	5	Correction	49
Dec.	10	5	AM5001 (E & R) adopted. Hall pending amendment #017S page 25, Lynch pending amendment #019S page 33, and DeCamp pending amendment #031S page 42 withdrawn. DeCamp pending amendment #033S page 46 lost. Schmit pending amendment #032S page 45, Scofield-Nichol amendment #037S, and Schmit amendment #035S adopted. Higgins amendment lost. Chambers pending amendments (1), (2), (3), (4), and (5) page 47 withdrawn. Chambers pending amendment (6) page 47 pending	50
Dec.	10	5	Chambers pending amendments (6), (7), (9) and (10) page 47 lost. Chambers pending amendment (8) page 47 withdrawn. Sieck reoffered amendment #026S adopted. Vickers amendment #023S and Schmit amendment #046S lost	56
Dec.	10	5	DeCamp motion to return to committee withdrawn	63
Dec.	10	5	V. Johnson amendment and Hartnett amendment #045S lost. Advanced for Engrossment	65
Dec.	10	5	Wesely amendment printed	67
Dec.	10	5	Correctly Engrossed. ER0102 change	70
Dec.	12	7	Final Reading w/E 42-2-5	76
Dec.	12	7	Speaker signed	78
Dec.	12	7	Wesely pending amendment page 67 withdrawn	79

CHRONOLOGY OF BILLS

85

Dec. 12	AJ	Presented to Governor (12/12).	
		Approved by Governor (12/12)	80

LEGISLATIVE BILL 2. By Vickers at request of Governor

Dec. 5	1	Read first time	6
Dec. 5	1	Referred to Committee on Education	8
Dec. 5	1	Notice of hearing (12/6)	9
Dec. 8	3	Placed on General File - Com am #015S	27
Dec. 9	4	Committee amendment #015S adopted as amended by Vickers amendment #030S. Advanced for Review	44
Dec. 10	5	Placed on Select File - AM5002	49
Dec. 10	5	AM5002 (E & R) adopted. Vickers amendment #049S adopted. Hartnett amendment #050S withdrawn. Advanced for Engrossment	68
Dec. 10	5	Correctly Engrossed. ER0103 change	70
Dec. 12	7	Vickers motion to return to Select File withdrawn	76
Dec. 12	7	Final Reading w/E 38-8-3	77
Dec. 12	7	Speaker signed	78
Dec. 12	AJ	Presented to Governor (12/12).	
		Approved by Governor (12/12)	80

LEGISLATIVE BILL 3. By Nichol at request of Governor

Dec. 5	1	Read first time	6
Dec. 5	1	Placed on General File	8
Dec. 8	3	Advanced for Review	20
Dec. 8	3	Placed on Select File	22
Dec. 9	4	Advanced for Engrossment	45
Dec. 10	5	Correctly Engrossed	50
Dec. 12	7	Final Reading w/E 46-0-3. Speaker signed	78
Dec. 12	AJ	Presented to Governor (12/12).	
		Approved by Governor (12/12)	80

LEGISLATIVE BILL 4. By DeCamp

Dec. 5	1	Read first time	7
Dec. 5	1	Referred to Committee on Revenue	8
Dec. 8	3	Attorney General's Opinion #86080 to DeCamp ...	18
Dec. 8	3	Notice of hearing (12/9)	25
Dec. 9	4	Indefinitely postponed. DeCamp motion	

	to place on General File laid over	40
Dec. 10	5 DeCamp pending motion to place on General File withdrawn	70

LEGISLATIVE BILL 5. By Schmit

Dec. 6	2 Read first time. Referred to Committee on Public Works. Notice of hearing (12/8)	16
--------	--	----

**LEGISLATIVE BILLS
BY INTRODUCERS**

JOHN W. DECAMP

LB

4

Increase sales tax to 4 1/2 percent.

WILLIAM E. NICHOL

LB

1**

Reduce appropriations approved by the Eighty-Ninth Legislature, Second Session.

3**

Appropriate funds for Fourth Special Session.

LORAN SCHMIT

LB

5

Repeal provisions regarding deregulation of telephone rates.

TOM VICKERS

LB

2**

Change provisions in regard to special education programs and care costs.

At the request of the Governor.

**LEGISLATIVE BILLS
REFERRED TO COMMITTEE**

Appropriations

Chairperson - Jerome Warner

1

Education

Chairperson - Tom Vickers

2

Public Works

Chairperson - Loran Schmit

5

Revenue

Chairperson - Vard R. Johnson

3

SUMMARY OF LEGISLATION

Eighty-Ninth Legislature, Fourth Special Session

The following table shows the final disposition:

Total Number of Bills Introduced	5
Total Number of Resolutions Introduced	3

Approved by Governor, 3:

1e 2e 3e

Indefinitely Postponed, 2:

4 5

Resolutions Adopted, 3:

1 2 3

GENERAL INDEX

ACKNOWLEDGMENTS

Flags, Nebraska Air National Guard 1

ADJOURNMENT (See Motions)

ANNOUNCEMENTS

Executive sessions 9

Interim Hearing placed on weekly
hearing schedule 35

APPOINTMENTS, GOVERNOR

Carlson, Dennis G. - Foster Care
Review Board 7, 8, 15, 67, 73

Matz, Betty - Foster Care
Review Board 7, 8, 15, 67, 73

APPROPRIATIONS COMMITTEE

State Agency hearings 8, 13

ASSISTANT CLERK OF THE LEGISLATURE

Election 5

ATTORNEY GENERAL'S OPINIONS, LETTERS

By Bill Number
LB 4 18

ATTORNEY GENERAL'S OPINIONS, LETTERS

By Opinion Number
#86080 18

ATTORNEY GENERAL'S OPINIONS, LETTERS

By Subject
Governor's Call, within the scope
(DeCamp #86080) 18
Sales tax, increase
(DeCamp #86080) 18

BIRTHDAYS

Hefner, Elroy M. 75

CEREMONIES AND PROGRAMS

Flags, Nebraska Air National Guard 1

CERTIFICATES

Legislative members, roster	3
Proclamation of Fourth Special Session	3

CHAPLAIN COORDINATOR

Election	5
----------------	---

CHAPLAINS

Palmer, Dr. Robert	1, 15, 18, 34, 49, 72, 75
--------------------------	---------------------------

CLERK OF THE LEGISLATURE

After adjournment certificate	80
Election	5

COMMITTEES, STANDING

Announcement on interim hearing schedule	35
Governor Appointments Notice of hearings	15
Standing committee reports	67

DECLARATION

Fourth Special Session	1
------------------------------	---

GOVERNOR

Appointment letters	7
Bills, approvals	80
Committees to escort	5
Declaration of Fourth Special Session	1
Legislature approve Governor Appointments (See Motions, Legislature approve Governor Appointments)	
Notice of Committee Hearings, Governor Appointments (See Committees, Standing, Governor Appointments Notice of Committee Hearings)	
Proclamation of Fourth Special Session	3
Reference Committee Reports, Governor Appointments (See Reference Report, Governor Appointments)	
Standing Committee Reports, Governor Appointments (See Committees, Standing, Governor Appointments, Standing Committee Reports)	

JOURNAL, LEGISLATIVE

Approve, 7th Day	79
------------------------	----

LOBBYISTS' REPORTS

..... 34, 78

MOTIONS

Adjournment

Motions to 13, 23, 24, 30, 32, 64

Sine Die 79

Advise Governor 5

Elections

Officers 5

Legislature approve Governor appointments 73

Place on General File notwithstanding

committee action 40, 70

Reconsider Action 40

Return to Committee 63

Suspend Rules

Permit consideration of resolution 12

PRESENTATION

Flags, Nebraska Air National Guard 1

PROCLAMATION

Fourth Special Session 3

REFERENCE REPORTS, BILLS AND RESOLUTIONS

..... 8, 16

REFERENCE REPORTS, GOVERNOR APPOINTMENTS

..... 8

RESOLUTIONS, NUMERICAL

1 Express sympathy to the
Richard D. Marvel family.
(Smith et al.) 11, 12, 13

2 Express sympathy to Luella Dowell Stalder
family.
(Vickers et al.) 46, 50, 55

3 Recommend naming State Office Building
after Richard Marvel.
(Schmit et al.) 55, 72, 73, 75

RULINGS OF THE CHAIR

Division of the question 21

GENERAL INDEX

93

SECRETARY OF STATE

Legislative members, roster	3
Proclamation of Fourth Special Session	2, 3

SERGEANT AT ARMS

Election	5
----------------	---

SPEAKER OF THE LEGISLATURE

Declaration of Fourth Special Session	1
---	---

STATE OF NEBRASKA
LEGISLATURE
1986 FOURTH SPECIAL SESSION BILLS AND RESOLUTIONS
INTRODUCED SUBJECT INDEX

1

ADMINISTRATIVE DEPARTMENTS, STATE

Appropriations of 89th Legislature, 2nd Session: change(Nichol,
req. of Gov.)..... LB1

APPROPRIATIONS (See also Funds)

Appropriations of 89th Legislature, 2nd Session: change(Nichol,
req. of Gov.)..... LB1

Expenses of the 89th Legislature, Fourth Special Session:
appropriate funds(Nichol, req. of Gov.)..... LB3

BUILDINGS

State Office Building: change name to Richard D. Marvel State
Office Building(39 Senators)..... LR3

CHILDREN

Special education program, transportation, and care costs:
change provisions(Vickers, req. of Gov.)..... LB2

COMMUNICATION

Deregulation of interchange and basic telephone rates:
repeal provisions(Schmit)..... LB5

DEATHS

Marvel, Richard: express sympathy to family(49 Senators)..... LR1
Stalder, Luella: express sympathy to family(48 senators)..... LR2

DISABLED PERSONS

Special education program, transportation, and care costs:
change provisions(Vickers, req. of Gov.)..... LB2

EDUCATION

Special education program and care costs: change provisions
(Vickers, req. of Gov.)..... LB2

EDUCATION, DEPARTMENT OF

Special education program, transportation, and care costs:
change provisions(Vickers, req. of Gov.)..... LB2

FUNDS (See also Appropriations)

Appropriations of 89th Legislature, 2nd Session: change(Nichol,
req. of Gov.)..... LB1

Expenses of the 89th Legislature, Fourth Special Session:
appropriate funds(Nichol, req. of Gov.)..... LB3

GOVERNOR

Appropriations of 89th Legislature, 2nd Session: change(Nichol,
req. of Gov.)..... LB1

Expenses of the 89th Legislature, Fourth Special Session:
appropriate funds(Nichol, req. of Gov.)..... LB3

HANDICAPPED PERSONS

Special education program, transportation, and care costs:
change provisions(Vickers, req. of Gov.)..... LB2

INFANTS

Special education program, transportation, and care costs:
change provisions(Vickers, req. of Gov.)..... LB2

LEGISLATURE

Expenses of the 89th Legislature, Fourth Special Session:
appropriate funds(Nichol, req. of Gov.)..... LB3

Marvel, Richard D: change name of State Office Building to
Richard D. Marvel State Office Building as memorial
(39 Senators)..... LR3

SUBJECT INDEX

Marvel, Richard: express sympathy to family(49 Senators).....	LR1
Special Education: allow Legislature to limit extent of financial commitment for special education programs(Vickers, req. of Gov.).....	LB2
Stalder, Luella: express sympathy to family(48 senators).....	LR2
MARVEL, RICHARD D.	
Express sympathy to family(49 Senators).....	LR1
State Office Building: change name to Richard D. Marvel State Office Building(39 Senators).....	LR3
MENTAL HEALTH	
Special education program, transportation, and care costs: change provisions(Vickers, req. of Gov.).....	LB2
PUBLIC LANDS AND BUILDINGS	
State Office Building: change name to Richard D. Marvel State Office Building(39 Senators).....	LR3
PUBLIC SERVICE COMMISSION	
Deregulation of interexchange and basic telephone rates: repeal provisions(Schmit).....	LB5
REVENUE AND TAXATION	
Sales tax: increase to 4 1/2 per cent from 4 per cent(DeCamp)....	LB4
SCHOOLS	
Special education program, transportation, and care costs: change provisions(Vickers, req. of Gov.).....	LB2
STALDER, LUELLA DOWELL	
Express sympathy to family(48 senators).....	LR2
TELEPHONES	
Deregulation of interexchange and basic telephone rates: repeal provisions(Schmit).....	LB5

SECTION INDEX

1

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
43-611	A	2	75-604	A	5
43-626	A	2	75-609	A	5
43-648	A	2	77-2701.02	A	4
75-109	A	5	86-801	R	5
			to 86-811		

1986 Legislative Bills Amended or Repealed
(SECOND Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL	LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB 539	2	A	4	LB1251	23, 31, 35,	R	1
LB 835	12, 13, 14	A	5	LB1251	45, 46, 47,	R	1
LB 835A		R	5	LB1251	61, 62, 63,	R	1
LB1251	9, 10, 15,	R	1	LB1251	65, 73, 74,	R	1
LB1251	17, 20, 22,	R	1	LB1251	75	R	1
				LB1252	24	R	1

